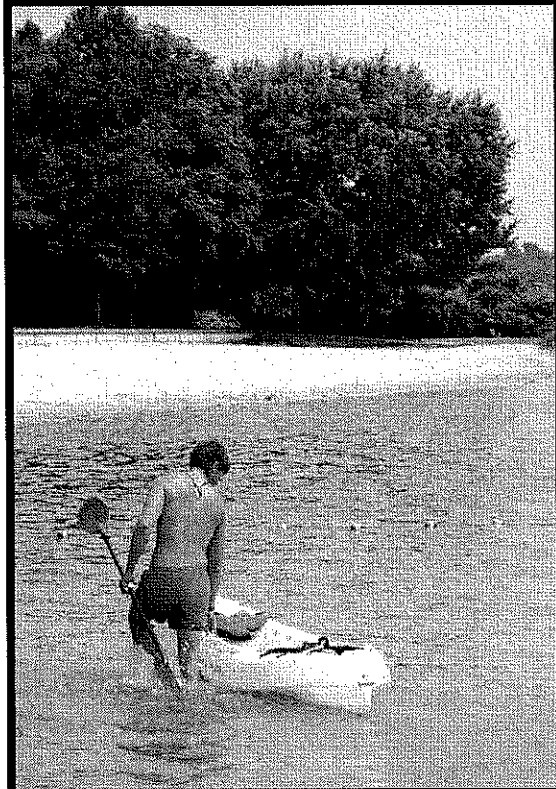


SEASONAL EMPLOYEE MANUAL



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New Jersey State Park Service

Mission Statement

The mission of the State Park Service is to provide for the administration, operation, maintenance, interpretation and protection of recreational, natural, cultural and historic resources for the safe, enjoyable, recreational and educational use by the public.

Foreword

Each year, the New Jersey State Park Service welcomes over 18 million people who enjoy amazing recreational and educational opportunities made possible by the courteous, caring staff at our parks, forests, recreation areas, marinas, historic sites, interpretive centers and golf course.

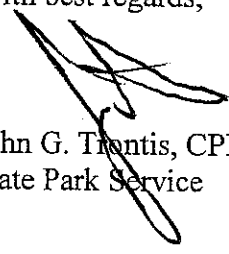
Many employees of the State Parks Service are hired during the busiest season, May through September. These seasonal employees enhance the services and programs that our visitors have come to enjoy and expect. Seasonal staff play an important role in the operation of the State Park Service. Every job is important, not only to year-round staff who take pride in their profession, but also to each visitor. As a seasonal employee, it is essential that you honor your commitment to a job that is gratifying and challenging, and understand that your supervisor and colleagues will depend on your dedication and support, particularly on the weekends. Your service to this organization is appreciated and we will rely on you to respect your work schedule, your fellow employees, and our park visitors and program participants.

This handbook was developed to provide seasonal staff with employment information. Please take time to read this handbook. It will provide direction and answer questions that you or the visitor may have. The acknowledgement form in the attachment section needs to be signed and returned to the area office. It verifies that you have received this handbook and that you understand your assigned duties and responsibilities.

I encourage you to enjoy and take advantage of this employment opportunity and to learn from professional staff dedicated to the stewardship of New Jersey's natural and historic resources.

Welcome to our team!

With best regards,



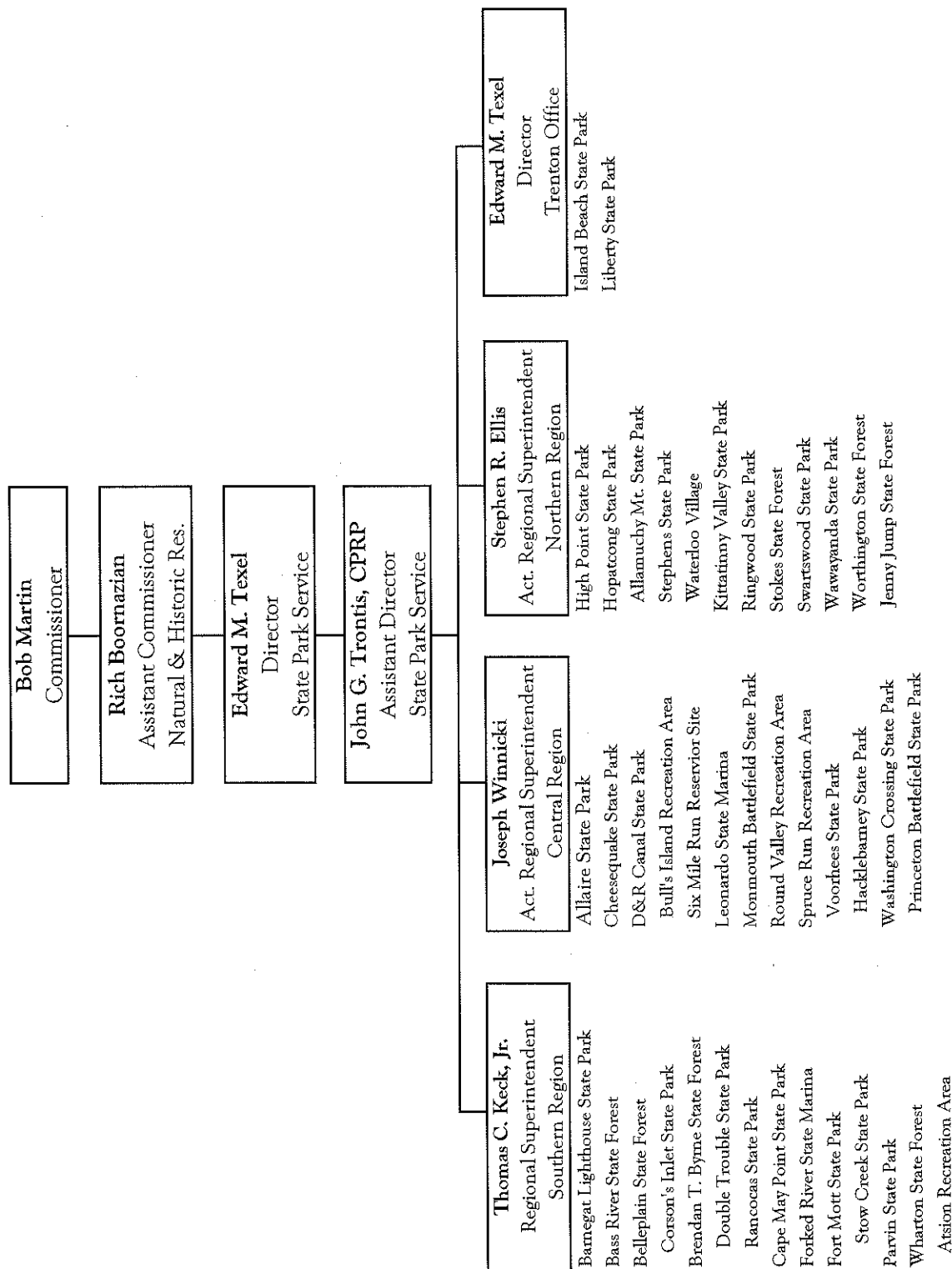
John G. Trontis, CPRP, Assistant Director
State Park Service

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New Jersey Department of Environmental Protection
 Division of Parks & Forestry
 State Park Service



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS AND FORESTRY
STATE PARK SERVICE**

About the New Jersey State Park Service

The State Park Service is an agency within New Jersey State government, Department of Environmental Protection (DEP), Natural and Historic Resources Group, Division of Parks and Forestry, and is responsible for the administration of 39 parks, 11 forests, 42 natural areas, 57 historic sites, 4 recreation areas, 5 marinas, and 4 reservoir sites.

The State Park Service is divided into three regions: Southern, Central and Northern. Each region is managed by a Regional Superintendent, and each park, forest, recreation area, golf course and marina within these regions is administered by a Superintendent. These areas are staffed with police, maintenance, clerical, and Resource Interpretive Specialist personnel, as well as seasonal employees and volunteers.

Personnel Paperwork

All seasonal employees are required to complete a number of personnel forms before starting work. It is your responsibility to contact the area office at least three weeks prior to your assigned starting date to schedule a time to complete these forms. Your paperwork must be completed a minimum of two and one-half weeks prior to your start date.

When you come in to complete your employment paperwork, you must bring your original social security card. You will also need to bring a form of photo identification, such as a driver's license or school or government issued identification card. If you are a licensed driver, you will need to present your driver's license. Seasonal employees under 18 years of age must obtain working papers, which are available at local schools. It is your responsibility to have your working papers completed and delivered to the area Superintendent prior to your starting date. If you are hired to fill a Lifeguard position, you must have a State Park Service Lifeguard Medical Certification form completed by a physician, at your cost, prior to your starting date.

One of the most important forms you will be asked to complete is the federal W-4 form. On this form, you will indicate your marital status and the number of exemptions you are claiming for federal tax purposes. If your status and deductions are the same for both Federal and State taxes, just complete the Federal W-4 form. If different, you must complete both a Federal W-4 form and a State W-4 form.

You may be exempt from New Jersey State tax. You may want to consult with a tax accountant to determine the best course of action. If you think you may be eligible for New Jersey tax exempt status, you must request a NJW4-E form. Complete the NJW4-E form instead of the State W-4 form to ensure that New Jersey taxes are not deducted from your paycheck.

Assignment

Seasonal employment may begin as early as April 1st and may continue through October 31st, with the primary focus of seasonal employment from Memorial Day weekend through Labor Day.

Consideration will be given to your work preference, previous experience and skills in assigning you to specific duties. The examples of job duties for each summer job category listed below are for illustrative purposes only. A seasonal employee in any one of these job categories may perform all duties listed, and conversely, all duties performed on the job may not be listed.

General Maintenance – Clear an area of trash, litter and debris, maintain grounds, buildings and/or piers and operate mowing equipment.

Natural or Historic Educator – Conduct nature and/or historic tours. Assist in the preparation of public information materials, displays and programs. May demonstrate, perform and interpret craftwork under supervision.

Office Worker – Greet visitors, provide public information, collect fees, issue permits and passes, operate office equipment, type, file and perform billing and payroll functions.

Visitor Service – Provide accurate information to visitors at various facilities throughout an area, report emergencies and assist staff in directing traffic. Perform visual inspections of area facilities and grounds.

Lifeguard – Warn swimmers of potential dangers, scan the water and rescue distressed swimmers, respond to emergency situations, search for lost children and enforce State Park Service rules and regulations. After training and certification, administer first-aid, CPR and oxygen, and operate an automatic external defibrillator (AED) when the need arises.

You will be notified in advance of your title, pay rate, assignment and supervisor. It is your responsibility to report to your supervisor at the indicated time and place. Part of your supervisor's job is to familiarize you with the park, forest, recreation area, marina, golf course, historic site, interpretive center or natural area in which you are working. Any questions you have pertaining to your assigned job should be directed to your immediate supervisor.

Training

Your supervisor will identify the training necessary for you to perform your job, and will provide and/or arrange for that training.

The training checklist on page 84 of this booklet will be completed by your supervisor or the trainer after you complete the training program. It is important that you keep this checklist with you at all times, unless otherwise directed by your supervisor.

Work Schedule, Lunch Periods and Breaks

Your supervisor will advise you of your work schedule (the hours and days that you are to work). Most State Park Service facilities are open seven days per week, and seasonal employees are normally expected to work on weekends and holidays. Your supervisor may request that you notify him/her when you arrive to work and when you leave for the day. Requests for weekends and holidays off may not be honored. If you have a vacation scheduled, notify your supervisor as far in advance as possible, preferably when you are hired.

Seasonal employees are not eligible for benefit time (time off with pay) nor health, dental or other benefits.

If you work a 7 or 8 hour day, you are entitled to, **and must take**, an unpaid lunch break of one-half hour, and two paid breaks during the workday: one fifteen minute break during the first half of your shift and one fifteen minute break during the second half. Your supervisor will advise you of your scheduled lunch and break periods.

Work Hours and Overtime

As a seasonal employee, you will be scheduled to work no more than 40 hours per week. In extreme emergencies, seasonal employees age 18 and over may be asked to work over 40 hours in a week, and will be compensated at a rate of one and one-half times the regular hourly pay rate for any hours you work over 40 in one week. Prior approval must be received from the supervisor or the Superintendent to work beyond 40 hours in a week.

Seasonal employees are not permitted to work more than 900 hours in a payroll fiscal year (Fiscal Year starts July 1st and ends June 30th the following year). **It is important that you monitor the hours that you work during each fiscal year, and notify your supervisor when you have worked 800 hours.**

Timesheets

Every other Friday, you are required to submit a correctly completed timesheet that reflects the hours you worked during the past two weeks. Your supervisor will provide you with the proper codes to use. **It is your responsibility** to ensure that your timesheet is completed legibly in blue or black ink, contains your proper name (do not use a nickname) and is properly coded, signed and given to your supervisor on time. Only code actual work hours in the appropriate boxes on your timesheet. **All other boxes are to be left blank.** The timesheet is used to verify your hours and to generate your paycheck. Summer seasonal timesheets are available at the area office or from your supervisor.

If you were required to work more than 40 hours in one week, you must also submit a completed overtime timesheet. Your supervisor will provide you with the proper codes to use. The overtime timesheet must be submitted with your regular timesheet. If your timesheet is not completed in full or is coded incorrectly, it will be returned to you for correction. This may result in a delay in the issuance of your paycheck. Employees may be required to complete their timesheets using the ECATS system on a computer. If you are required to do so, you will be trained to use this program.

Employees may be required to complete their timesheets using the ECATS system on a computer. If you are required to do so, you will be trained to use this program.

[illegible]

Sample Timesheet

Paychecks

One week after you complete and submit your timesheet, you will receive your paycheck. Paychecks are normally distributed on a Friday.

Take a look at your paycheck to ensure all information is correct (such as your social security number, name, address, deductions, etc.). When your seasonal position ends, please ensure that the area office has your correct address. Your W-2 form will be mailed sometime in January to the address that appears on your paycheck.

If you need to correct your address, just complete a new Federal W-4 form, attach a note stating "Change of Address" and forward it to the area office.

You can have your paycheck deposited directly into your savings or checking account. Simply complete a “Direct Deposit” form (available at the area office). The area office will forward the form to the Trenton Payroll Office. If you select direct deposit, you will receive a statement, rather than a paycheck. Be sure to verify that you receive a stub. Do not accidentally throw away or misplace a paycheck because you thought your direct deposit started. Normally, you will receive two paychecks before direct deposit begins.

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OMB 5010-107 (Rev. 10/21/97)

THE STATE OF NEW JERSEY HAS A POLICY OF PROTECTING THE CONFIDENTIALITY AND MULTIPLE SECURITY FEATURES OF THIS DOCUMENT.

Department of the Treasury
STATE OF NEW JERSEY
Trenton, New Jersey 08625-0221
Payroll Account

CHECK NUMBER: 6F184416
DATE: JAN 23, 1998
VOID 15 Days After This Date

PAY

PAYROLL CK DIST: 320

To The Order Of:

CO-DEPOSIT NEW JERSEY NATIONAL BANK
Division, N.J. 08608

STATE TREASURER: [Signature]

1516184416 1031200730 0001273353

Sample Paycheck

Absence, Tardiness and Inclement Weather

If it is necessary for you to be absent from work due to personal illness, it is your responsibility to contact your supervisor prior to your scheduled starting time for that day. If you are unable to contact your supervisor, you must notify the area office. Absence from work without notifying your supervisor or the area office may result in progressive discipline or termination.

An absence of a non-emergency nature should be requested as far in advance as possible through your supervisor. An effort will be made to honor a limited number of requests.

If you are going to be unavoidably late for work, you must notify your supervisor prior to your scheduled work shift. If you are unable to contact your supervisor, you must notify the area office. Habitual tardiness will result in progressive discipline or termination.

Unless your supervisor gives specific instructions to the contrary, you must report to work on days of inclement weather.

Uniforms, Personal Appearance and Safety

Your supervisor will notify you of the type of uniform required for your position. The uniform identifies you as a State Park Service employee. You are required to purchase uniform clothing in accordance with the specifications listed on pages 81 and 82 of this manual, with the exception of uniforms issued by the State Park Service (also listed on pages 81 and 82 of this manual). Seasonal employees are expected to have and wear uniforms when they start work unless an exception has been granted by the Superintendent.

Uniforms may get dirty as a result of some work assignments. It is required that each seasonal employee report to work each day neat and clean. During the course of the day, seasonal employees are expected to maintain a reasonable state of neatness and cleanliness commensurate with assigned duties. This includes, but is not limited to, neatly combed hair, clean hands, clean uniform, neat appearance and overall good personal hygiene.

For your safety, jewelry that protrudes from your body is prohibited. See your supervisor or the area Superintendent if you have any questions.

Operations Staff (General Maintenance, Office Worker, Natural or Historic Educator, Visitor Service) – Refer to the specifications listed on page 81 of this manual.

- **Maintenance Staff** – Pants are to be of good quality, permanent press material with reasonable resistance to fading and shrinkage. The color must match the Spruce Green permanent press work pants utilized by permanent personnel. You should consult your supervisor to verify color.

Footwear must provide adequate protection for the work assignment.

It is strongly recommended that you check with your supervisor, or the area Superintendent, before purchasing uniform components.

Refer to the specifications listed on page 81 of this manual.

- **Interpretive and Education Staff** – If you are assigned to work at a historic site or village, you may be required to wear period clothing. Period clothing may be available at the historic site.

Lifeguard Staff – Lifeguard uniform components are listed on page 82 of this manual. Seasonal Lifeguard employees are required to have and wear the issued uniform when they start work.

Arm Patches and Other Accessories

A sufficient number of arm patches will be issued to you when you begin employment and **must be returned when your employment ends**. The “Division of Parks and Forestry”

patch is to be centered ½ inch below the left shoulder seam. Patches must be properly sewn on your uniform within three days of issuance.

All other accessories will be provided in accordance with your needs to do your assigned work. No other patches or pins are permitted.

Arm patches are the property of the State of New Jersey and are to be worn only while on duty. Any breach of this regulation will result in progressive discipline or termination.

When issued, a nametag must be worn centered over the top of the right shirt pocket.

Conduct

As a State Park Service employee, you are expected to conduct yourself in a manner that will reflect favorably upon you and the organization.

DO:

Refrain from conduct that impairs the efficiency of, or causes the loss of public confidence in, the State Park Service.

Maintain decorum, command and temper and exercise patience and discretion.

Conduct yourself in a professional manner at all times.

Devote your full time and attention to official duties.

Give your name to persons who request it.

Perform your duties fairly, impartially and judiciously.

Maintain assigned equipment in good operating condition, and immediately report any malfunctions or damage to your supervisor.

Obey all lawful orders issued by a supervisor.

Be respectful and courteous, and display a pleasant attitude to visitors, co-workers and supervisory personnel.

Respond truthfully to questions asked by a supervisor in connection with matters relating to the official business of the State Park Service.

Report punctually for duty and assignments at the time and place designated.

Use two-way radios for State business or emergencies only; be short and concise.

Immediately report all injuries incurred on the job to your supervisor.

DON'T:

Argue with a visitor, supervisor or another employee.

Use harsh, violent, profane or insolent language.

Leave the boundaries of the areas assigned, except in an emergency or when directed by proper authority.

Talk superfluously on the radio; do not chatter.

Knowingly make, or cause to be made, any omission, false, inaccurate or improper entries in any official records, forms or reports.

Solicit any citizen or public official to communicate any prize, thanks or commendation for services rendered.

Invite or accept tips, gratuities, rewards, fees, favors or anything of value. It is prohibited by DEP Policy & Procedure 2.46 (copy attached).

Accept or exchange services with any concessionaire.

Purchase or consume alcoholic beverages while on duty or while in uniform.

Knowingly use any controlled substances except for medically approved use as prescribed by a physician.

Loiter.

Gossip.

Gamble while on duty.

Smoke in any State Park Service building or vehicle.

Sleep while on duty.

Place alcoholic beverages or controlled substances into any State vehicle or building.

Make, or cause to be made, duplications of records or reports for other than official use.

Use any private vehicle in the performance of duties, except when authorized or in emergency situations.

Carry a beeper or cellular phone. Exceptions must be approved by the area Superintendent.

Hitchhike. It is prohibited by law (39:4-59).

Greeting the Visitor

The first person a visitor comes in contact with is usually staff at the visitor contact station. This may be the only contact the visitor has with a State Park Service employee during their visit. It is important that this employee project a positive attitude as it provides a lasting impression. The State Park Service greeting when meeting a visitor is:

“Welcome to area name. The fee today is \$____. Remember, we are a carry in/carry out park. Thank you. Enjoy your stay at the park.”

This friendly greeting, coupled with a smile and warm attitude, will let our visitors know they are welcome.

There may be occasions when the line at the visitor contact station does not allow time for a lengthy greeting. It is reasonable that you may need to modify or shorten this greeting. Just remember, smile and be friendly.

When greeting the public over the telephone, smile and say:

“Good morning/afternoon, area name. This is your first name. How may I help you?”

A smile can be heard over the telephone. Our policy is to satisfy our visitors to the best of our ability. Make every effort to provide as much assistance to the visitor as they want.

All State Park Service seasonal employees will have contact with the public. It is important to remember that **you** represent this organization. Following the “Do’s and Don’ts” will assist you in projecting a professional, pleasant manner.

DO NOT ARGUE WITH A VISITOR. Extend every courtesy possible, within the scope of State Park Service laws, rules and regulations. Speak in a normal conversational voice with a polite tone. If you are unable to answer a question, refer the visitor to someone who can. Be brief and concise, and do not gossip with the visitor.

Dealing with the Press

The State Park Service receives media coverage. On occasion, television, radio and/or newspaper reporters call or visit an area. If a reporter approaches you, it is important that you convey the following message: “I’m not the appropriate person to speak with. I would like to refer you to someone who may be able to respond to your questions.” Then refer the reporter to the area Superintendent. If you are contacted by phone, either transfer the reporter to the DEP Press Office, or take down the reporter’s name and telephone number and let the reporter know you will have the appropriate person in the DEP Press Office return the call. Give the phone message to the area Superintendent to forward. Your supervisor or the area Superintendent will provide you with further guidance on how to handle the media, as well as provide you with the telephone number for the DEP Press Office.

Lost and Found Articles

Found articles are to be taken to the area office or a place designated by your supervisor as quickly as possible after they come into your possession. In accordance with State Park Service policy, found articles are retained at the area for three months. At the expiration of three months, if the article has not been claimed, it becomes the property of the State of New Jersey. However, if the article was found by a visitor and is not claimed prior to the expiration of three months, the article becomes the property of the finder.

Visitors reporting articles they have lost are to be referred directly to the area office where a written record will be made of the loss. The owner will be notified if the article is found.

Off Duty

When you are not on duty, you are a visitor, and your actions are to be governed as such. Your employment with the State Park Service does not entitle you to any special privileges.

Parking and Transportation

Your supervisor will assign you an area in which to park your vehicle. Do not park in any other area unless you receive instructions to do so or are involved in an emergency situation. While driving on State Park Service property, whether in a personal or State vehicle, you are to obey all traffic regulations and speed limits.

State Vehicle Usage

Seasonal employees who are authorized to drive a State vehicle must adhere to the following:

- Use of State-owned vehicles or equipment is for State Park Service business only, and not for personal business.
- Seasonal employees will be provided with a copy of Circular Letter 93-04A, "State Vehicle Assignment and Use Policy," DEP Policy and Procedure 1.16A, "State Vehicular Assignment and Use," and DEP Policy and Procedure 1.61, "State Vehicle Accident Reporting," copies of which are included in the back of this manual.
- Seasonal employees who drive a State vehicle must complete form ADM-239 SS as a part of their personnel paperwork.
- Drivers must possess a valid driver's license to operate a motor vehicle in the State of New Jersey.
- Drivers are responsible for the security of State vehicles and their contents.
- Drivers are personally responsible for all traffic violations and fines.
- Allowing a non-State employee to drive a State vehicle or transporting a non-State employee in a State vehicle is prohibited.
- Drivers are to use 2-way radios for State Park Service business only.
- Drivers are to use seat belts in accordance with State regulations, and are responsible for assuring that all passengers are using seat belts.

- Gasoline credit cards are to be used to fuel State vehicles and equipment only, and should only be used in emergency situations. Your supervisor will notify you where to obtain fuel for state-owned vehicles and equipment. Normally gasoline is obtained at the area's refueling station/pump.
- Passengers in State-owned vehicles must assume safe riding positions at all times.
- A State vehicle is not to be driven out of the assigned area unless authorization is received from the area Superintendent or other authorized State Park Service staff.

**ANY ACCIDENT OR DAMAGE OCCURRING WITH OR TO
A STATE VEHICLE MUST BE REPORTED TO YOUR
SUPERVISOR IMMEDIATELY**

Park Familiarization

It is your responsibility to become familiar with the general operations and facilities of the park, forest, recreation area, historic site, marina, golf course, or interpretive and education center in which you work. You will be asked questions by visitors and will be expected to know the answers to most of them. Ask questions. Part of your supervisor's job is to answer your questions and help you become knowledgeable about the entire area where you work. A training session will be conducted to orient you with the area and facilities available. You may also receive "Right-to-Know" (RTK) training which will provide you with information about any chemicals and materials you may handle in your work assignments.

**ALL SEASONAL EMPLOYEES ARE PROHIBITED FROM
ENTERING A CONFINED WORKSPACE**

Emergency Procedures

You will be instructed in emergency procedures for the area in which you work. It is **MANDATORY** that you memorize these procedures immediately. You must know how an emergency will be handled and what your specific job will be.

First Aid/Injuries

In areas where Lifeguard personnel are assigned, all first aid cases will be referred to the Lifeguard staff. State Park Police may also provide assistance and first aid.

In areas or at times when Lifeguard and State Park Police personnel are not available, all first aid cases will be referred to the area office whose personnel will be responsible to secure medical assistance, i.e., ambulance, emergency/rescue squad, etc. Your supervisor will instruct you how to handle first aid emergencies when the area office is closed. State Park Police staff are certified as first responders and can provide first aid assistance when the area office is closed.

If you sustain any injury or are bitten by a tick while performing your work assignment, you must immediately report the injury and/or tick bite to your supervisor and complete a First Aid/Accident Report. If you need medical treatment, you will be referred to a CompSource

doctor. If you want to document exposure to ticks while performing your work assignment, but you are not sure that you have been bitten, you must complete a Near Miss/Minor Injury Report form and forward it to the area Superintendent.

Park Violations

All violations must be reported to your supervisor. Do not attempt to personally reprimand or detain a person who has violated a State Park Service regulation or law. Your primary duty is to immediately notify a State Park Police Officer or Sergeant, or your supervisor, and follow his or her directions.

Vehicles, Radios and Equipment

Seasonal employees are not permitted to operate vehicles, radios or other equipment unless directed by their supervisor. All necessary training and instructions in the use of vehicles, radios and equipment will be given by the supervisor or other knowledgeable staff prior to operation.

State-owned vehicles are not to be taken off the areas for breaks or lunch or for other personal use.

Two-way radio use is restricted to official or emergency messages only. If you are required to use a two-way radio in the course of your work assignment, you should familiarize yourself with the DEP Radio Manual available at the area office.

If your assignment requires use of area keys, it is expected that you will make all reasonable efforts to prevent them from being lost, stolen, misused or loaned to unauthorized personnel. In the event a key assigned to you is discovered missing, you must report the loss immediately to your supervisor. All personnel are prohibited from making, causing to be made or allowing to be made any duplicate or copies of keys utilized for any State Park Service facility. Keys are not to leave the area without the approval of the area Superintendent.

**IF YOU ARE ISSUED KEYS, THEY MUST BE RETURNED
AT THE END OF THE SEASON, OR PRIOR TO YOUR SEPARATION!**

All shop equipment, hand tools, power tools, materials, supplies, etc., are for State Park Service business only.

All office equipment, including typewriters, copying machines, computers, software, fax machines, etc., are for State Park Service business only and are not to be used for personal business. State telephones and cell phones are for official business only and their use shall conform to State Park Service policy. This policy is available at the area office and it is your responsibility to read and comply with this policy. Information contained in computer systems is strictly confidential and must remain as such. Appropriate use of the internet is outlined in DEP Policy and Procedure 6.06 (a copy of which is included in this manual).

Broken Equipment, Facility Out-of-Order or Hazardous Conditions

If you notice equipment or facilities that are damaged or broken, you must notify your supervisor immediately. If there is a safety hazard, take immediate action to properly secure it from public access and then notify your supervisor.

Bloodborne Pathogens

DO NOT touch or attempt to remove anything that contains blood or bodily fluids that could contain blood, body parts or potentially infectious materials, and you must immediately contact a State Park Police Officer or Sergeant.

Resignation Instructions

You are required to verbally notify the Superintendent or other designated employee when you are resigning from employment. Two weeks notification prior to resignation is required. Failure to provide two weeks notification may result in an unsatisfactory rating and preclude you from future employment with the State Park Service. On your last working day, you are to return all equipment and accessories furnished for your use during the season. This includes arm patches, keys, ID card, etc. The following costs will be collected from seasonal employees for items not returned:

Arm Patches	\$5.00 each
Keys	\$25.00 each

You may be considered for reemployment next season provided your work record and performance are satisfactory. If you are interested and available for employment next year, you should notify the Superintendent prior to your separation.

It is your responsibility to ensure that the Superintendent has your correct mailing address to forward your last paycheck and W-2 form. The W-2 form will be mailed in January to the address that appears on your last paycheck. If you need to change that address, complete a new federal W-4 form, attach a note stating "change of address" and forward it to the area office.

Grievances

If you have a grievance, bring it to your supervisor's attention. If you cannot reach a mutual understanding and a solution to the problem, you may request, and will be granted, permission to discuss the matter with the appropriate supervisor on the Superintendent's staff. If you still do not reach a reasonable solution, you may request to speak with the area Superintendent. No unfavorable notation whatsoever will appear on your record as a result of these requests.

Disciplinary Action

If you comply with the above instructions and regulations, and perform your assigned duties to the best of your ability, you will have a successful and productive work experience.

However, if you ignore instructions and regulations, or fail to perform your assigned duties, you may expect progressive discipline.

Your supervisor will call you aside and verbally notify you of your shortcomings or failure to perform in an acceptable manner. This will be in the form of a warning and you should make every effort to improve your deficiencies.

If you continue to break regulations or perform poorly, your supervisor will notify you to report to the area Superintendent. Your supervisor will have already discussed your case with the Superintendent. Depending upon the nature of the matter in question, the Superintendent, in consultation with the Regional Superintendent, will take disciplinary action that may include suspension or termination of employment.

The above procedure does not negate the possibility of immediate suspension or termination of employment if, in the opinion of the Superintendent, the breach of regulations or conduct is of such a nature that it deserves such disciplinary action.

Discrimination, Harassment, Hostile Environment And Violence in the Workplace

In accordance with Department of Environmental Protection (DEP) Policies and Procedures 2.48 (Policy Prohibiting Discrimination, Harassment or Hostile Environment in the Workplace) and 2.01 (Violence in the Workplace), all employees have a right to work in an environment free from unlawful discrimination, harassment, hostile environment and violence in the workplace. Any and all forms of unlawful discrimination, harassment, hostile environment and violence in the workplace are prohibited and will not be tolerated. If you feel you have been subjected to any of the above referenced acts by anyone in, or associated with, the DEP, including the public, you must immediately report the matter to the area Superintendent. If you feel your safety is in jeopardy, immediately notify the Superintendent, your supervisor or a State Park Police Officer or Sergeant. The matter will be kept confidential. These matters are taken very seriously and will be investigated. If you file a complaint, please be prepared to follow through with the process. You will not be penalized in any way for reporting incidents.

Diversity in the Workplace

In accordance with Department of Environmental Protection (DEP) Policy and Procedure 2.02 (Diversity in the Workplace), the DEP strives to create and nurture an atmosphere in which its workforce will evolve into one that reflects, at all levels, the communities that it serves; and to cultivate an environment that looks at differences as positive values. If you feel you have experienced a violation of the State of New Jersey Policy: Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace, refer to DEP Policy and Procedure 2.48 for guidance in filing a complaint.

ATTACHMENTS

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NJ State Park Service

2014 Seasonal Employment Agreement/Acknowledgement

I, _____, have received the following documents:
(Print Name)

1. 2014 Seasonal Employee Manual
2. Notice to Hourly and Seasonal Employees, which explains that I am not authorized to work more than 900 hours in the fiscal year. The fiscal year begins the end of June and ends approximately one year later. I must notify my supervisor when I have worked 800 hours during the fiscal year.
3. DEP Code of Ethics
4. Executive Order No. 204, Drug Free Workplace
5. OMB Circular Letter 93-04A, State Vehicular Assignment and Use Policy
6. DEP Policy and Procedure 1.16A, State Vehicular Assignment and Use Policy
7. DEP Policy and Procedure 1.61, State Vehicle Accident/Incident Reporting
8. DEP Policy and Procedure 2.01, Workplace Violence
9. DEP Policy and Procedure 2.02, Diversity in the Workplace
10. DEP Policy and Procedure 2.46 Gifts to Employees
11. DEP Policy and Procedure 2.48, Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.
12. DEP Policy and Procedure 6.06, Acceptable Use Internet Policy

I certify that I have read and understand the contents of the documents listed above and agree to comply with all rules, regulations, policies and procedures.

I understand that **before** I begin working I must:

- Complete a seasonal employment package and provide a copy of my social security card. If I have a valid driver's license, I must provide a copy of my driver's license.
- Submit working papers to the Office of the Superintendent if I am under 18 years of age.
- Submit a Lifeguard Medical Examination form signed by an MD or DO to the Office of the Superintendent if I have been hired into a Lifeguard position.

Signature of Seasonal Employee

SPS Assigned Area: _____



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NOTICE

**TO: NJ Department of Environmental Protection
Hourly and Seasonal Employees**

Any person hired into a New Jersey Department of Environmental Protection hourly or seasonal position is a Temporary Service Employee of the State of New Jersey. An individual who accepts temporary service employment with the New Jersey Department of Environmental Protection is hereby advised of the following:

- Only the career service provides permanent appointment rights and protections under Title 11A of the New Jersey Statutes Annotated and Title 4A of the New Jersey Administrative Code.
- Temporary employment service (TES) positions are "AT WILL", and as such, may be terminated by the Appointing Authority at any time, and without advance notice. Such terminations are not subject to appeal or other remedial actions. These appointments are also **NOT** covered by union agreements. The Appointing Authority is the Director, Division of Human Resources, New Jersey Department of Environmental Protection.
- The Department of Personnel regulations limits the number of hours a TES can work in one fiscal year. In compliance with this, it is the DEP's policy that TES are not permitted to work in excess of 900 hours in a State of New Jersey fiscal year. These hours may be lowered should there be continued abuse in monitoring hours. The fiscal year begins the end of June and ends approximately one year later. It is your responsibility to monitor the hours you work at the New Jersey Department of Environmental Protection and notify your immediate supervisor when your total hours worked during the fiscal year reaches **800**.

If you have any questions, please contact the Bureau of Human Resources Operations, Division of Human Resources, New Jersey Department of Environmental Protection at (609) 984-7323.

By signing the bottom portion of this notice you acknowledge receipt of a copy of this notice and confirm that you have read and understand its contents.

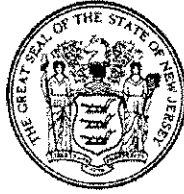
Print Name: _____

Date: _____

Signature: _____

State of New Jersey
Department of Environmental Protection
Division of Human Resources
PO Box 408
Trenton, New Jersey 08625-0408
(609) 984-7323

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State of New Jersey

STATE ETHICS COMMISSION

PO Box 082
Trenton, NJ 08625-0082
www.nj.gov/ethics

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ANDREW S. BERNES, Esq.
Chair

PETER J. TOBER, Esq.
Executive Director

*Tel: (609) 292-1892
(888) 223-1355 in NJ
Fax: (609) 633-9252
Email: ethics@ethics.state.nj.us*

UNIFORM ETHICS CODE

FOREWORD

Pursuant to *N.J.S.A. 52:13D-23*, the State Ethics Commission has adopted this Uniform Ethics Code to govern and guide the conduct of State officers and employees and special State officers and employees in State agencies in the Executive branch of State Government.

The Uniform Ethics Code shall be the primary code of ethics for State agencies. It shall be supplemented by an agency code of ethics formulated with respect to the particular needs and problems of the agency to which said code is to apply. Each agency, in consultation with the Attorney General's Office, must review its enabling legislation to ensure that any agency-specific conflicts provisions are included in any supplemental agency code. An agency code must be approved by the Commission.

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I. DEFINITIONS

As used in this Uniform Ethics Code, and unless a different meaning clearly appears from the context, the following terms shall have the following meanings.

“Commission” means the State Ethics Commission, established in but not of the Department of Law and Public Safety pursuant to *N.J.S.A. 52:13D-21*.

“Conflicts Law” means the New Jersey Conflicts of Interest Law, *N.J.S.A. 52:13D-12 et seq.*

“Ethics Liaison Officer” means the individual(s) designated by the agency head to assist the State Ethics Commission in implementing and enforcing the Conflicts Law and related ethics codes.

“Event” means a meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the State official’s work location, is sponsored or co-sponsored by a supplier or a non-State government source and the invitation for which is extended to the State official because of his or her official position.

“Gift” means any fee, commission, service, compensation, gratuity, or other thing of value of any kind. If an item has more than a nominal monetary value, it will be characterized as a gift. A gift includes admission to an event for which a member of the general public would be charged, a meal, transportation, or offer of employment.

“Head of a State agency” means, in the case of the Executive branch of government, except with respect to interstate agencies, the department head or, if the agency is not assigned to a department, the Governor.

“Immediate Family Member” means an individual’s spouse, child, parent or sibling residing in the same household. *N.J.S.A. 52:13D-13(i)*.

“Interest” means (1) the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the “Professional Service Corporation Act,” P.L. 1969, c. 232 (C. 14A:17-1 et seq.); or (2) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the “Casino Control Act,” P.L. 1977, c. 110 (C. 5:12-1 et seq.). The provisions of this act governing the conduct of individuals are applicable to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

“Interested party” means: 1. Any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority

of the State official's agency; 2. Any supplier, or employee, representative or agent thereof; 3. Any organization that advocates or represents the positions of its members to the State official's agency; or 4. Any organization a majority of whose members are as described in paragraphs 1 through 3 above.

“Person” means any natural person, association or corporation.

“Published work” means any tangible medium of expression, including, but not limited to, literary, pictorial, graphic and sculptural matter; sound recordings; and software. *N.J.A.C. 19:61-6.2*.

“Relative,” as used in section XIII, means an individual’s spouse, and the individual’s or his/her spouse’s parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the relative is related to the individual or the individual’s spouse by blood, marriage or adoption.

“Special State officer or employee” means (1) any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law; (2) any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency, or (3) any person appointed as a New Jersey member to an interstate agency the duties of which membership are not full-time.

“State agency” means any of the principal departments in the Executive branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, and, to the extent consistent with law, any interstate agency to which New Jersey is a party and any independent State authority, commission, instrumentality or agency. A county or municipality shall not be deemed an agency or instrumentality of the State.

“State officer or employee” means any person, other than a special State officer or employee (1) holding an office or employment in a State agency, excluding an interstate agency, other than a member of the Legislature or (2) appointed as a New Jersey member to an interstate agency.

“Supplier” means any person that is providing or is seeking to provide or may reasonably be expected to provide goods and/or services to the State officer or employee’s or special State officer or employee’s agency, including, but not limited to, consultants, vendors and lessors.

“Unclassified office or position” means any office or position in the unclassified service of the civil service of the Executive branch of State government.

II. GENERAL STANDARDS OF CONDUCT

It is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among the public that such trust is being violated. Accordingly, State officers and employees and special State officers and employees shall conform their conduct to the following standards.

1. No State officer or employee or special State officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest.
2. No State officer or employee or special State officer or employee should engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government without promptly filing notice of such activity with the Commission.
3. No State officer or employee or special State officer or employee should act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment.
4. No State officer or employee or special State officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she may be engaged in conduct violative of his trust as a State officer or employee or special State officer or employee.

Misuse of Official Position or Information

5. No State officer or employee or special State officer or employee should use or attempt to use his/her official position to secure unwarranted privileges or advantage for him/herself or others.
6. No State officer or employee or special State officer or employee, shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he/she receives or acquires in the course of and by reason of his/her official duties. No State officer or employee or special State officer or employee shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to members of the public which he/she receives or acquires in the course of and by reason of his/her official duties.

Representation/Appearance Before a State Agency

7. No State officer or employee, nor any partnership, firm or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding,

application or other matter pending before any State agency. Nothing contained herein shall be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.

8. No special State officer or employee, nor any partnership, firm or corporation in which he/she has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.

Nothing contained in this section shall be deemed to prohibit any State officer or employee or special State officer or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

- i. Pending before any court of record of this State,
- ii. In regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation),
- iii. In connection with the determination or review of transfer inheritance or estate taxes,
- iv. In connection with the filing of corporate or other documents in the office of the Secretary of State,
- v. Before the Division on Civil Rights or any successor thereof,
- vi. Before the New Jersey State Board of Mediation or any successor thereof,
- vii. Before the New Jersey Public Employment Relations Commission or any successor thereof,
- viii. Before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P.L.1952, c.174, s.5 (C.39:6-65), or
- ix. Before any State agency on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending.

III. ACCEPTANCE OF GIFTS

No State officer or employee or special State officer or employee shall accept any gift, favor, service or other thing of value related in any way to the State official's public duties.

Upon the recommendation of the Special Counsel for Ethics Review and Compliance, the Commission has adopted a zero tolerance policy for acceptance of gifts. (See *Report of the Special Ethics Counsel to the Governor of the State of New Jersey*, dated March 14, 2005.) Accordingly, any gift that is offered to or received by a State officer or employee or special State officer or employee or, his/her spouse, immediate family member, partner or associate shall be immediately reported to the agency's Ethics Liaison Officer ("ELO"). Unless the State officer or employee or special State officer or employee is permitted to receive the gift or thing of value in

accordance with the Commission's rules on attendance at events (see section IV), no State officer or employee or special State officer or employee or, his/her spouse, immediate family member, partner or associate shall accept, either directly or indirectly, any gift, favor, service or other thing of value related in any way to the State official's public duties.

The exceptions to the zero tolerance rules for acceptance of gifts are set forth below.

1. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient's department for general use if such use does not create an impression of a conflict of interest or a violation of the public trust. The receipt of such complimentary articles is not required to be reported to the ELO.
2. A State officer or employee or special State officer or employee may receive a gift, favor, service or other thing of value from a vendor under the same terms and conditions as are offered or made available to members of the general public.
3. A State employee is permitted to give or receive a gift from a co-worker, a supervisor or a subordinate. The gift should not be excessive or inappropriate for a business environment. Such gift shall not be reported to the ELO.
4. In accordance with *N.J.S.A. 52:13D-24*, gift provisions do not apply to the acceptance of contributions to the campaign of an announced candidate for elective public office.

The procedures for reporting receipt of a gift are set forth in Appendix A.

IV. ATTENDANCE AT EVENTS

Attendance at an event that is sponsored or co-sponsored by an entity other than the State must be approved by the agency's ELO.

A State employee must complete the form identified as "Request For Approval For Attendance At Event," prior to attendance.

A State employee shall not attend an event in his or her official capacity unless a legitimate State purpose will be served.

Costs associated with attendance at an event shall be paid or reimbursed in accordance with *N.J.S.A. 52:13D-24* and *N.J.A.C. 19:61-6.1 et seq.*

A State employee is prohibited from accepting honoraria in connection with his/her attendance or participation at an event. *N.J.S.A. 52:13D-24*.

A State employee is prohibited from accepting entertainment, or reimbursement for entertainment, that is collateral to an event, such as a golf outing, tickets to a sporting event or a meal taken other than in a group setting with all attendees present.

The Commission's rules on attendance at an event and the form that must be completed prior to attendance at an event are set forth in Appendix B.

V. POLITICAL ACTIVITY

Upon giving notice to the agency ELO, a State employee may be involved in political activities unless:

1. the State employee is prohibited from such activities by State or federal statute or agency rule; or
2. the political activity conflicts with the employee's official duties.

Pursuant to *N.J.S.A. 52:13D-14* and *N.J.S.A. 52:13D-24*, a State employee may accept a contribution to the campaign of an announced candidate for elective public office provided the contribution is not known to be given in lieu of a payment that is prohibited by the Conflicts Law. Further, a State employee is subject to the Department of Personnel's Administrative Code provisions governing political activity, *N.J.A.C. 4A:10-1.2*. Note that a State employee is not permitted to serve as a campaign treasurer on any campaign that is subject to the jurisdiction of the Election Law Enforcement Commission.

The Commission's Guidelines on Political Activities and the provisions of *N.J.A.C. 4A:10-1.2* are set forth in Appendix C.

VI. OUTSIDE ACTIVITIES AND BUSINESS INTERESTS

No State officer or employee or special State officer or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of his/her official duties.

A State officer or employee's participation in any service, activity or employment that is outside his/her official State duties may be prohibited by the Conflicts Law, other State or Federal law or regulation, or the code of ethics adopted by the employee's agency. Accordingly, a State officer or employee shall obtain the approval of the ELO prior to engaging in any of the following outside activities.

1. Commencement of any business, trade, profession or other compensated employment, including the acceptance of compensation for a speech or published work;
2. Uncompensated or volunteer work for or with any entity; or
3. Holding office or title in the governing or advisory board of any entity.

Notwithstanding the requirement to disclose outside employment and activities, a State agency may exempt disclosure of specific kinds of outside employment or activities if the agency is satisfied that such activity or employment does not present a conflict of interest.

A State officer or employee is not permitted to hold employment with, hold an interest in, or represent, appear for, or negotiate on behalf of a holder of or applicant for a casino license unless the Commission grants a waiver. A waiver is granted in circumstances where it is determined by the Commission that such casino activity will not interfere with the responsibilities of the State officer or employee and will not create a conflict of interest or the appearance of such conflict. A special State officer or employee is prohibited from holding an interest in or representing, appearing for or negotiating on behalf of a holder of or applicant for a casino license, or any holding or intermediary company with respect thereto, in connection with any matter. However, a special State officer or employee without responsibility for matters affecting casino activity may hold employment with a casino license holder or applicant and, if so employed, may hold an interest in or represent, appear for or negotiate on behalf of his/her casino employer. *N.J.S.A. 52:13D-17.2(b)*.

All State officers and employees shall complete the Outside Activity Questionnaire attached to this document as Appendix D, in accordance with the procedures adopted by his/her agency. These procedures shall, at a minimum, require that each current employee complete the questionnaire and that each new employee complete the questionnaire upon commencement of employment with the agency. The procedures shall also require that a State officer or employee amend his/her Outside Activity Questionnaire whenever there is a change in the employee's outside activity or State employment. A State agency shall require disclosure of additional information regarding the outside activities of its employees as necessary to address the particular needs and problems of the agency.

The agency ELO shall review all outside activity questionnaires and determine whether the outside activity is permissible in accordance with the Conflicts Law, the Uniform Ethics Code, the agency code of ethics or any other authority. A State officer or employee may appeal an agency ELO's decision to disapprove an outside activity. Such appeal shall be submitted in writing to the Commission within 60 days of the employee's receipt of the agency's decision. The appeal shall cite the relevant section(s) of the Conflicts Law, Uniform Ethics Code, agency code of ethics or other authority which supports the position of the employee that such outside activity should be permitted.

Each State agency shall develop a Conflict of Interest questionnaire for special State officers and employees of that agency. Each State agency shall develop a process for the review and retention of both Outside Activity Questionnaires and Conflict of Interest Questionnaires.

The Commission's Guidelines Governing Outside Activities are set forth in Appendix E.

Blind Trusts

A blind trust may be used by a State officer or employee, a special State officer or employee, his/her spouse or domestic partner or dependent children to avoid conflicts situations caused by financial interests. The trust must conform to the standards set forth in the Blind Trust Guidelines, Appendix F.

VII. OFFICIAL STATIONERY

Official stationery shall be used only in connection with the State agency's official business. The limitations on use of official stationery also apply to personal stationery paid for by an officer or employee if it is imprinted with the agency office or the title of the State officer or employee.

A State officer or employee or special State officer may not use official stationery to promote a candidate for elective office, endorse a State vendor or contractor, express a personal opinion on a matter that is not related to his/her official duties, or to promote his/her financial or other self-interest.

Exceptions: A State officer or employee or special State officer or employee may use official stationery to write a letter of recommendation for, or respond to an inquiry about, a current or former colleague or employee. These permissible uses are only acceptable so long as the use of official stationery does not create an impression that the State officer or employee is engaged in an unwarranted use of his/her position. For example, it would not be appropriate for a State employee to recommend an individual for inclusion in a program over which the State employee has supervisory or regulatory authority. In addition, there must be a reasonable connection between the officer's or employee's official duties and the use and purpose of the letter.

A State agency may not use official stationery to solicit a contribution from any interested party. Solicitation of any other entity must be reviewed and approved by the agency's ELO.

The Commission's Guidelines with respect to the use of official stationery are set forth in Appendix G.

VIII. POST-EMPLOYMENT RESTRICTIONS

Seeking Future Employment

State officers or employees who have direct and substantial contact with any interested parties must refrain from circulating resumes or in any manner seeking employment with those individuals or entities while still in State service. If an employee is solicited for potential employment by an entity with which he/she has direct and substantial contact, that solicitation must be disclosed immediately to the employee's management and to the agency's ELO. Employees who do not have direct and substantial contact with interested parties may circulate resumes and enter into discussions regarding potential employment with those individuals or entities so long as they avoid any situations that may give rise to an unwarranted advantage. All employees are cautioned that discussions, interviews, and negotiations shall not take place on State time.

Lifetime Ban

At no time subsequent to the termination of his/her office or employment in any State agency may a former State officer or employee or special State officer or employee represent, appear for, negotiate on behalf of, or provide information or services not generally available to members of the public, or agree to perform any of those activities, for any party other than the State in connection with a specific cause, proceeding, application or matter with which the State officer or employee or special State officer or employee had been substantially and directly involved at any time during the course of his/her office or employment. *N.J.S.A. 52:13D-17*. This lifetime ban applies not only to the State officer or employee or special State officer or employee personally, but also to the partnership, firm or corporation under the following circumstances: (1) if the former State officer or employee or special State officer or employee is a shareholder, associate or professional employee of a firm organized as a professional service corporation or (2) if the former State officer or employee or special State officer or employee owns or controls more than 10% of the stock of a corporation or more than 10% of the profits or assets of a firm, association or partnership.

One-Year Ban – Certain State Officials

In accordance with the recommendation of the Special Counsel for Ethics Review and Compliance, a one-year ban on the activities described in this section shall apply to any head, deputy head or assistant head of any principal department, board, commission or authority, the Superintendent of State Police, the Governor's Chief of Staff, Chief of Management and Operations, Chief of Policy and Communications, Chief Counsel, Director of Communications, Policy Counselor, and any deputy or principal administrative assistant to any of the aforementioned members of the staff of the Office of the Governor.

For one year after the termination of the State office or employment of any of the individuals noted above, he/she shall not represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of any person or party other than the State with or before any officer or employee of the State agency in which he/she served. The provisions of this subsection shall not apply to any partnership, firm or corporation in which he/she has an interest or is employed, or to any partner, officer, director or employee of such partnership, firm or corporation. Nothing contained in this section shall prohibit a State agency from contracting with a former State officer or employee to act on behalf of the State.

In addition, the governor and each head of a principal department in the Executive branch are prohibited, for one year after the termination of office or employment, from registering as a "governmental affairs agent," as that term is defined in *N.J.S.A. 52:13C-20*. *N.J.S.A. 52:13C-21.4*.

Two-Year Casino Employment Restriction

N.J.S.A. 52:13D-17.2 sets forth post-employment restrictions applicable to State officers or employees subject to financial disclosure by law or executive order, and State officers or employees or special State officers or employees with responsibility for matters affecting casino activities.

Such persons, and members of their immediate families, are prohibited from holding, directly or indirectly, an interest in, or holding employment with, a casino licensee or applicant for a casino license for a period of two years following the termination of their State employment. In addition, such persons may not represent, appear for, or negotiate on behalf of a casino.

If such person or a member of the person's immediate family is employed by a partnership, firm or corporation providing professional services to a casino licensee or applicant or holding or intermediary company of the licensee or applicant, the entity may engage in casino-related matters but the person or a member of the person's immediate family must be screened from these matters for a period of two years following the termination of the person's State employment.

If such person holds an equity interest in such entity, or is the former Governor, Lieutenant Governor, or Attorney General or a member of the immediate family of one of these individuals, then the entity is also prohibited from representing, appearing for, or negotiating on behalf of a casino licensee or applicant.

Waivers

In accordance with *N.J.S.A. 52:13D-17.2*, the Commission may grant an exception from the above casino employment restrictions for a person's immediate family member or an employee who was terminated as a result of a reduction in force, (provided that the employee did not hold a policy-making management position during the five years prior to termination of employment) whenever it determines that such waiver will not create a conflict of interest or the appearance of a conflict of interest.

The Commission's Guidelines with respect to Post-Employment Restrictions are set forth in Appendix H.

IX. RECUSAL ON OFFICIAL MATTERS

A State officer or employee or special State officer or employee is required to recuse him/herself on an official matter that involves any private sector individual, association, corporation or other entity that employed or did business with the State officer or employee or special State officer or employee during the one year prior to the employee's commencement of State service.

A State officer or employee or special State officer or employee is required to recuse him/herself on an official matter if he/she had any involvement in that matter, other than on behalf of the State, prior to commencement of his/her State service.

A State official is required to recuse himself or herself from an official matter that involves any individual, association, corporation or other entity from which the State official received a campaign contribution, individually or in the aggregate, in an amount required to be reported by *N.J.A.C. 19:25-10*. Recusal is required regardless of whether the State official is

elected to the office or position associated with the campaign contribution. The recusal shall remain in effect until the expiration of the term of office which the State official was seeking when the contribution was made.

A State officer or employee or special State officer or employee is required to recuse him/herself on an official matter if he/she has a financial or personal interest that is incompatible with the proper discharge of his/her public duties.

An incompatible personal or financial interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to or involving a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to or involving a business associate or business investment; and a leadership role in a professional or trade organization, which interest might reasonably be expected to impair a State official's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that he/she may be engaged in conduct violative of his/her trust as a State official.

Upon determining that a State official shall recuse him/herself on any matter, the State official shall execute the recusal in writing, and shall have no involvement with the subject matter of the recusal. If a State official cannot determine whether he/she should execute a letter of recusal in any matter, the State official shall contact his/her agency ELO or the Commission for guidance. A State official shall seek the advice of the State agency's counsel, agency ELO or the Commission as to the propriety of participation in a matter if any person requests that a State official recuse him/herself from that matter. Oral advice, followed up by a writing, shall be provided by the agency's counsel, the agency ELO or the Commission to avoid delay. Oral advice shall subsequently be memorialized by a writing or by inclusion in public minutes.

The Commission's regulations governing recusal, *N.J.A.C* 19:61-7.1 et seq., which include the required elements for a written recusal, are set forth in Appendix I.

X. CONTRACTS

With few exceptions, a State employee may not enter into a contractual agreement with the State.

An agency head, deputy head or assistant head is prohibited from engaging in any private business transactions with any employee in his/her agency.

Limitation on contracting by State officer or employee

Pursuant to *N.J.S.A.* 52:13D-19, no State officer or employee shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by any State agency. The exceptions to this prohibition are set forth below. As used in this section, State officer or employee also includes his or her partners, any other person for the use or benefit of the State employee or on his or her

account or any corporation which he/she controls or in which he/she owns or controls more than 1% of the stock.

Limitation on contracting by special State officer or employee

Pursuant to *N.J.S.A. 52:13D-19*, no special State officer or employee who has duties or responsibilities in connection with the purchase or acquisition of property or services by the State agency where he/she is employed or an officer shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25.00 or more, made, entered into, awarded or granted by that State agency. The exceptions to this prohibition are set forth below. As used in this paragraph, special State officer or employee also includes his/her partners, any other person for the use or benefit of the special State employee or on his/her account or any corporation which he/she controls or in which he/she owns or controls more than 1% of the stock.

The restrictions contained above shall apply to the contracts of interstate agencies to the extent consistent with law only if the contract, agreement, sale or purchase is undertaken or executed by a New Jersey member to that agency or by his/her partners or a corporation in which he/she owns or controls more than 1% of the stock.

Permissible Contracts with the State

(1) With the prior approval of the Commission, a State officer or employee or special State officer or employee is permitted to enter into the following:

(a) purchases, contracts, agreements or sales which are made or let after public notice and competitive bidding or which, in accordance with public bidding laws or regulations applicable to other State agencies, may be made, negotiated or awarded without public advertising for bids, or

(b) any contract of insurance entered into by the Director of the Division of Purchase and Property pursuant to *N.J.S.A. 52:27B-62*.

(2) A State officer or employee or a special State officer or employee or his partners or any corporation or firm in which he/she owns or controls more than 1% of the stock, assets or profits may enter into a contract or agreement with a State agency where the contract or agreement is for the development of scientific or technological discoveries or innovations in which the State agency has a property right, if the State agency has a procedure in its code of ethics for authorizing these contracts or agreements that minimizes actual conflicts of interest, and the code of ethics was approved in accordance with *N.J.S.A. 52:13D-23*, and the contract or agreement complies with that code procedure.

(3) A State officer or employee or a special State officer or employee or his/her partners or any corporation or firm in which he/she owns or controls more than 1% of the stock, assets or profits may enter into a rental agreement with a State agency which operates a facility which rents space or provides services to assist small businesses which employ 50 people or less, pursuant to the same terms and conditions as those offered to members of the public generally.

Please note that the Commission has never approved a request by a State officer or employee, or special State officer or employee, to enter into a contract with his/her own agency.

The Commission's Guidelines on Privatization, set forth in Appendix J, are applicable to a State employee's participation in an open competitive bid process for the privatization of services currently being provided by his/her agency.

XI. RETIREMENT GIFTS

A gift can be given to a State employee upon his/her retirement from State service. There are specific limits to the value of a permissible retirement gift. A State employee shall refer to Appendix K for the provisions governing retirement gifts.

XII. COMPENSATION FOR PUBLISHED WORKS

A State officer or employee or special State officer or employee may not solicit, receive, or agree to receive, compensation from sources other than the State for published work(s) created as part of his/her official duties on State time and/or using State resources.

However, a State officer or employee or special State officer or employee, other than a "designated State officer," (the Governor, cabinet-level officers and other principal administrative officers of the State) may, in connection with any service, advice, assistance, appearance, speech or other matter related to his/her official duties, receive or agree to receive, whether directly or indirectly, from sources other than the State, reasonable fees for published works on matters within his/her official duties not created on State time and/or using State resources.

In addition, a State officer or employee or special State officer or employee may accept compensation from sources other than the State for published work(s) on matters unrelated to his/her official duties created on his/her own time and with non-State resources.

Before agreeing to accept or accepting any compensation from a source other than the State for any published work, a State officer or employee or special State officer or employee must secure his/her State agency's approval to do so.

In determining whether to grant such approval, the State agency shall consider, among other things, whether the compensation is offered by an interested party, and whether the published work uses or discloses information not generally available to the public. The determination shall be consistent with applicable law and agency policy.

No State officer or employee or special State officer or employee may use his/her official title in soliciting compensation for a published work.

The Commission's Guidelines with respect to Published Works are set forth in Appendix L.

XIII. FAMILY MEMBERS - CONFLICTS OF INTEREST

1. No relative of the Governor may be employed in any unclassified office or position within the State.

2. No relative of a commissioner or department head may be employed in any unclassified office or position within the department over which the department head exercises authority.

3. A relative of an assistant or deputy department head may be employed in an unclassified office or position within the department in which the assistant or deputy serves, provided that he/she is not assigned to a position over which the assistant or deputy department head exercises authority.

4. A relative of a head or assistant head of a division within a department may be employed in an unclassified office or position within the department in which the division head or assistant division head serves, provided that he/she is not assigned to a position over which the assistant or deputy department head exercises authority.

5. A relative of an appointed member of a governing or advisory body of an independent authority, board, commission, agency or instrumentality of the State may not be employed in any office or position in that entity.

6. A relative of an appointed New Jersey member of a governing body of a bi-state or multi-state agency may not be employed in an office or position in that bi-state or multi-state agency, unless otherwise permitted by law.

7. No State officer or employee or special State officer or employee may supervise his/her relative, or exercise any authority with regard to personnel actions involving his/her relative

8. Each State agency shall require State officers and employees and special State officers and employees to disclose information sufficient for the agency to determine whether the employment of any individual within the agency is prohibited.

Cohabitation

The Commission has determined that the prohibition regarding personnel actions and the supervision of family members, set forth in paragraph 7 above, is applicable to non-related individuals who share the same household with the same financial interdependence that the Commission views as creating a conflict in spousal situations.

Dating Relationship

In the case of individuals involved in dating relationships, the Commission has found violations of the Conflicts Law in situations where the State employee had official involvement in a matter affecting the individual with whom he/she had a dating relationship. Accordingly, a State officer or employee or special State officer or employee shall not have any involvement in his/her official capacity in any matter that pertains to or involves an individual with whom he/she has a dating relationship.

The Commission's guidelines with respect to "Official Interactions with Family Members/Cohabitants and Dating Relationships" is attached hereto as Exhibit M.

XIV. CASINO-RELATED FAMILY MEMBER RESTRICTIONS

Concurrent Employment Restriction

An immediate family member of a State officer or employee, or of any "person," as defined at *N.J.S.A. 52:13D-17.2(a)*, may not hold directly or indirectly, an interest in, hold employment with, or represent, appear for, or negotiate on behalf of a holder of, or applicant for, a casino license, or any holding or intermediate company with respect thereto.

However, an immediate family member of a State officer or employee or "person" may be employed by a casino in circumstances where it is determined by the Commission that such employment will not interfere with the responsibilities of the State officer or employee or "person" and will not create a conflict of interest or the appearance of such conflict. *N.J.S.A. 52:13D-17.2(b)*.

Post-Employment Restriction

An immediate family member of a "person," as defined at *N.J.S.A. 52:13D-17.2(a)*, may not hold, directly or indirectly, an interest in, hold employment with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any phase of casino development permitting, licensure, or any other matter related to casino activity, for a period of two years following the termination of the office or employment of such person.

However, an immediate family member of a "person" may be employed by a casino in circumstances where it is determined by the Commission that such employment will not interfere with the responsibilities of the "person" and will not create a conflict of interest or the appearance of such conflict. *N.J.S.A. 52:13D-17.2(c)(1)*.

Casino post-employment restrictions that apply to State officials defined as "persons" are noted in section VIII.

XV. REPORTING COMPLAINTS

Allegations that a State officer or employee or special State officer or employee has violated a provision of this Uniform Code, the Conflicts Law, the Commission's rules, an agency code of ethics or any other standard within the jurisdiction of the Commission should be reported to the appropriate agency ELO or the Commission staff. Allegations should contain as much detailed information as possible and, if the complainant chooses to identify him/herself, should include contact information so that the ELO or Commission staff can obtain additional information if necessary. A complainant is not required to disclose his/her identity when reporting an alleged ethics violation.

XVI. PENALTIES

The Commission is empowered to impose the following penalties in accordance with specific provisions of the Conflicts Law. Note that violations committed by a former State officer or employee or special State officer or employee may be subject to penalties so long as the Commission's investigation of same was initiated not later than two years following termination of service.

1. *N.J.S.A. 52:13D-17* provides that any person who willfully violates the general post-employment restrictions set forth in that provision is a disorderly person, and shall be subject to a fine not to exceed \$1,000 or imprisonment not to exceed six months, or both. In addition, for violations occurring after March 15, 2006, any former State officer or employee or former special State officer or employee found by the Commission to have violated any of the provisions of this section shall be assessed a civil penalty of not less than \$500 or more than \$10,000.

2. *N.J.S.A. 52:13D-17.2(h)* provides that any person who willfully violates the casino-related post-employment restrictions set forth in Section 17.2 (c) is a disorderly person, and shall be subject to a fine not to exceed \$1,000 or imprisonment not to exceed six months, or both. In addition, for violations of Section 17.2(c) occurring after March 15, 2006, any former State officer or employee or former special State officer or employee found to have violated any of the provisions of this section shall be assessed a civil penalty of not less than \$500 or more than \$10,000.

3. *N.J.S.A. 52:13D-21(i)* provides that any current or former State officer or employee or special State officer or employee found guilty by the Commission of violating any provision of the Conflicts Law, the Uniform Ethics Code, or any agency code of ethics, shall be fined not less than \$500 nor more than \$10,000, and may be suspended from office or employment by order of the Commission for a period not to exceed one year. In addition, for violations occurring after March 15, 2006, the State Ethics Commission may also order restitution, demotion, censure or reprimand.

This subsection further provides that if the Commission finds that the conduct of the officer or employee constitutes a willful and continuous disregard of the provisions of the Conflicts Law, the Uniform Ethics Code or any agency code of ethics, it may order that person removed from office or employment and may further bar the person from holding any public

office or employment in this State in any capacity whatsoever for a period not exceeding five years from the date on which the person was found guilty by the Commission.

This subsection further provides that the Commission may impose a penalty of \$50 per day of violation for failure to file an appropriate financial disclosure statement required to be submitted to the Commission by law, regulation or executive order.

(See penalty provisions set forth at *N.J.A.C.* 19:61-3.1(j) and *N.J.A.C.* 19:61-5.6(c).)

4. *N.J.S.A.* 52:13D-23(d) provides that violations of the Uniform Ethics Code or any agency code of ethics shall be cause for removal, suspension, demotion or other disciplinary action by the State officer or agency having the power of removal or discipline. With respect to a person who is in the classified civil service, the procedure leading to such removal or discipline shall be governed by the Civil Service Act, *N.J.S.A.* 11A:1-1 et seq. and the Rules of the Department of Personnel. No action for removal or discipline shall be taken under this subsection except upon the referral or with the approval of the Commission.

5. *N.J.S.A.* 52:13D-26 provides that any person who willfully induces or attempts to induce a State officer or employee or special State officer or employee to violate any of the provisions of the Conflicts Law is a disorderly person, and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 6 months, or both.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 204

WHEREAS, the problem of drug abuse is adversely affecting the lives and safety of our citizens; and

WHEREAS, the abuse of drugs in the workplace, among other things, reduces job efficiency, increases absenteeism and sick leave, and most importantly, jeopardizes the lives and safety of fellow employees and citizens; and

WHEREAS, the State of New Jersey has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public safety employees do not threaten life and limb due to the abuse of drugs; and

WHEREAS, the Federal Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, conditions receipt of Federal grant funds upon the grantee's agreement to provide a drug-free workplace; and

WHEREAS, the Federal Drug-Free Workplace Act requires a grantee to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, to specify actions that may be taken against employees who violate the prohibition, to establish a drug-free awareness program for employees, and to require employees and employers to give notice of any conviction for a drug-offense committed in the workplace; and

WHEREAS, the citizens of this State greatly benefit from the State government's participation in Federal funded programs;

NOW, THEREFORE, I, THOMAS H. KEAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The following "policy for a Drug-Free Workplace in New Jersey State Government" shall apply to all principal executive departments in New Jersey State Government, the Office of the Governor, and all agencies that are in, but not of, principal executive departments.

This Policy establishes minimum standards for the imposition of discipline and for participation in drug abuse treatment programs in the limited context of convictions for drug offenses committed in the workplace. Nothing in this Policy precludes the application of other more comprehensive or more stringent provisions governing drug offenses committed by State employees. In fact, the Cabinet Task Force on Drug Testing in the Workplace, which was created in Executive Order No. 191, will formulate a more comprehensive State policy regarding drug abuse and the workplace in the near future.

2. The State of New Jersey is committed to maintaining a drug-free workplace for all State employees in order to protect the health and safety of State employees and the public.
3. The unlawful manufacture, distribution, dispensation, possession or use of a drug in the workplace is prohibited.
4. In addition to any other applicable civil or criminal penalty, any employee convicted of illegal manufacture, distribution, dispensation, possession or use of a drug in the workplace shall be

subject to the following consequences:

- a. The State Forfeiture of Public Office Statute (N.J.S.A. 2C:51-2) requires forfeiture of public office or employment upon conviction of a crime of the third degree or higher. All convictions of crimes of the third degree or higher listed in the Comprehensive Drug Enforcement Act of 1987, and all convictions for equivalent Federal and out-of-State drug offenses, require forfeiture of public office or employment.
- b. The Forfeiture of Public Office Statute also requires forfeiture of public office or employment upon conviction for an offense involving dishonesty or upon conviction for an offense involving or touching upon the convicted person's public employment irrespective of the degree of the offense. Consequently, convictions for any drug offense occurring in the workplace (including fourth degree, disorderly persons and petty disorderly persons offenses) which are determined to involve or touch upon the office or employment of an individual may result in the statutory forfeiture of public office or employment.
- c. In the case of a drug conviction for an offense occurring in the workplace that does not result in statutory forfeiture of public office or employment, disciplinary action shall be taken. The extent of disciplinary action shall be determined by the appointing authority. In addition, in the case of any disciplinary action other than removal, an employee shall be required to satisfactorily participate in a program for the treatment of drug abuse approved by both the appointing authority and any Federal or State agency responsible for the approval or licensure of such programs.
- d. Each department head, agency head, or their designee who receives notice of a drug offense conviction shall, within 30 days of receipt of notice, take the administrative action necessary for removal where statutory forfeiture is required, and where statutory forfeiture is not required, take the administrative action necessary to impose discipline and require satisfactory participation in an approved program for drug abuse where appropriate.
5. An employee who is convicted of a drug offense committed in the workplace must, within five days, report the conviction to his or her supervisor.
6. Each supervisor who receives a report of a conviction for a drug offense in the workplace must immediately report the conviction, according to departmental or agency procedures, to the department head, agency head, or their designee.
7. Within 10 days of the supervisor's receipt of notice of a conviction for a drug offense, the department head, agency head, or their designee shall ensure that notification of such conviction is provided to any Federal agency providing funds for a program in which the convicted employee is employed.
8. Each department head, agency head, or their designee must develop and implement procedures to ensure that reports, which are received by supervisors, concerning convictions for drug offenses in the workplace are reported promptly to the department head, agency head, or their designee.
9. Each department head, agency head, or their designee must maintain records that contain the following information on each conviction for a drug offense committed in the workplace by an employee
 - a. Date of conviction;
 - b. Disciplinary action taken;
 - c. Whether the employee is one whose duties involve the performance of a Federal grant; and
 - d. Date Federal grantor was notified of the conviction, if applicable.
10. Each department head, agency head, or their designee will distribute an Employee Notice, and this Executive Order to each current employee. Each department head, agency head, or their designee shall distribute these documents to any employee who joins the work force after the initial distribution. A program entitled "Drug-Free Awareness" is being developed, and upon completion will be provided to all employees.
11. Definitions for purpose of this policy:
 - a. "Conviction" means a finding of guilt, or a plea of guilty, before a court of competent

jurisdiction, and, where applicable, a plea of nolo contendere. A conviction is deemed to occur at the time the plea is accepted or verdict returned. It does not include entry into and successful completion of a pre-trial intervention program, pursuant to N.J.S.A. 2C:43-12 et seq., or a conditional discharge, pursuant to N.J.S.A. 2C:36A-1.

- b. "Drug" means a controlled dangerous substance, analog, or immediate precursor as listed in Schedules I through V in the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1, et seq., and as modified in any regulation issued by the Commissioner of the Department of Health. It also includes controlled substances in schedules I through V of Section 202 of the Federal Controlled Substance Act of (21 U.S.C. 812). The term shall not include tobacco or tobacco products or distilled spirits, wine, or malt beverages as they are defined or used in N.J.S.A. 33:1-1 et seq.
- c. "Employee" means all employees of the Office of the Governor or a department or agency within the scope of this Policy, whether full or part-time, and whether in the career, senior executive or unclassified service.
- d. "Workplace," for the purposes of this Policy only, means the physical area of operations of a department or agency including buildings, grounds and parking facilities provided by the State. It includes any field location or site at which an employee is engaged, or authorized to engage, in work activity, and includes any travel between such sites.

- 12. This Policy is effective March 18, 1989 and shall remain in effect until superseded by statute, regulation or Executive Order.

GIVEN, under my hand and seal, this 14th day of March in the Year of Our Lord, one thousand nine hundred and eighty-nine, and of the Independence of the United States, the two hundred and thirteenth.

/s/ Thomas H. Kean

GOVERNOR

(seal)

Attest

/s/ Deborah T. Poritz

Chief Counsel



CIRCULAR

STATE OF NEW JERSEY

DEPARTMENT OF THE TREASURY

NO.: 10-05-ADM	ORIGINATING AGENCY: DIVISION OF ADMINISTRATION	PAGE 1 OF 7
EFFECTIVE DATE: 07-23-09	EXPIRATION DATE: INDEFINITE	SUPERSEDES: 08-16-ADM
SUBJECT: STATE VEHICULAR ASSIGNMENT AND USE POLICY		
ATTENTION: ALL DEPARTMENTS AND AGENCIES		
FOR INFORMATION CONTACT:		PHONE:
ADMINISTRATION – ROBERT FARBER		(609) 633-9084
TRANSPORTATION SERVICES – GEORGE KRUMENACKER		(609) 292-0734
DIVISION OF RISK MANAGEMENT – THERESA ADAMS		(609) 984-7757

I. PURPOSE

Pursuant to Executive Orders 4 and 33, the Division of Administration (the "Division") is responsible for management and control of all State vehicles. The purpose of this circular is to establish uniform guidelines on the assignment and use of State vehicles. Within this context, State vehicle means any device, owned or leased which must be registered with or licensed by the Motor Vehicle Commission, except aircraft and watercraft. Vehicles titled to and registered to autonomous agencies and State colleges are also exempt.

II. VEHICLE ASSIGNMENT

The Director of the Division of Administration (the "Director") or the Director's designee may authorize the lease or purchase and assignment of State vehicles for the conduct of official State business. The vehicles may be assigned either to individuals or to agencies for pool use according to the following classifications:

A. EXECUTIVE ASSIGNMENTS

Vehicles shall be assigned permanently to the head of each principal department of State government, to the Chairman of the Board of Public Utilities, to the Chairman of the Casino Control Commission, to the Chief of Staff for the Governor's Office, and to such other members of the Governor's staff as shall be designated by the Chief of Staff.

B. AGENCY POOL ASSIGNMENTS

An agency may be permanently assigned a State vehicle only if employees of the agency will collectively use the vehicle for more than an average of 750 miles per month on official State business. Such assignments shall be made upon application by the head of the principal department with the approval of the Director or his/her designee.

Individual exceptions to this policy may be considered on a case-by-case basis by the Director when justified by extenuating circumstances.

Pool vehicles shall remain at the office location when not in official use. In special cases when secured parking is not available, an alternate plan shall be submitted to the Director for approval.

C. INDIVIDUAL ASSIGNMENTS

State employees not covered under Section II. A. may be assigned vehicles permanently if required by their formal job duties. Such vehicles shall be assigned only if they will be used on official business for more than an average of 1,250 business miles per month. Individual exceptions to this policy may be considered on a case-by-case basis when justified by extenuating circumstances.

Vehicles cannot be assigned, under any circumstances for any of the following reasons:

- Sub-cabinet, Board, Commission and any assignments to administrative personnel where business miles do not exceed 1,250 miles per month.
- Assignments whereby the primary purpose is commutation when comparing business miles to commutation miles.
- Assignments to Board and Commission members, except those identified in Section II. A. of the circular, where business miles do not exceed 1,250 miles per month.

D. TEMPORARY ASSIGNMENTS

As necessary, individual State employees who do not have access to a pool or individually assigned vehicle may temporarily (up to five days) be assigned vehicles from Transportation Services at the prescribed daily rate. Temporary assignments of a longer duration may be granted based on documentation of need and the availability of rental vehicles.

E. ASSIGNMENT USE LOGS

Vehicle use logs will be maintained for all pool, temporary, and individual assignments that because of their job duties are required to be in the field. Vehicle logs should denote the time and mileage for all stops, including lunch and breaks.

III. POLICIES

A. GENERAL

1. The State Treasurer, through the Director, is responsible for the management and control of all State vehicles and shall promulgate from time to time additional or supplementary regulations necessary to implement the provisions of this circular.
2. Each State department and agency shall promulgate internal policies and procedures necessary to ensure compliance with this circular and all other subsequent rules and regulations issued under the guidance of this circular. Those internal policies should be filed with the Director. Internal policies should include an annual review to determine that

- the need for the assigned vehicle continues. The Director may request justification of assignments as deemed necessary.
3. All complaints regarding a potential misuse of a State vehicle should be forwarded to either the State Vehicle Abuse Hotline at 1-800-992-2761 or the State Vehicle Abuse Hotline website at https://www.state.nj.us/treas/administration/vehicle_complaint.shtml.
 4. Appropriate vehicle use is the responsibility of the using agency. The agency fleet must be managed in order to ensure use consistent with this circular.
 5. All changes to vehicle assignment, whether pool or individual, must be reported to Transportation Services with 10 working days on form ADMV-103.
 6. All cabinet vehicles shall have standard New Jersey license plates. All other vehicles shall be marked as official State vehicles with the approved State seal in accordance with State statute N.J.S.A. 52:31-13 and shall display the vehicle abuse hotline bumper sticker. Failure to maintain required seals and stickers will be considered misuse of a state vehicle. Fines and penalties for violations are at the discretion of the Director of Administration. An exemption to this policy can be requested for vehicles that are to be used strictly for investigative or other work where anonymity is necessary. Exemptions must be submitted to the Director in writing and must fully document the nature of work and need for confidentiality.
 7. All State light duty and passenger vehicles shall be purchased with air conditioning and FM radios.
 8.
 - a) The standard cabinet (Class A) vehicle may be a full size or intermediate, four-door sedan. All other permanent and temporary fleet vehicles shall be compact sedans, unless the requesting agency demonstrates, in writing, that special passenger, cargo, equipment, or use requirements make the standard fleet vehicle unsuitable for agency needs. Replacement vehicles must be of similar class and all requests will be reviewed by the Division for appropriate class size based on intended use. The purchase cost and costs associated with special requirements will be the responsibility of the using agency.
 - b) The Division will promulgate via communication with agency heads and/or vehicle coordinators, policy, procedures and other regulations required for the replacement of vehicles, additions of vehicles to the fleet and recalls of fleet vehicles as necessary.
 9. The personal use of a permanently or temporarily assigned vehicle is prohibited. However, during normal work hours the vehicle may be used for authorized lunch and break periods, which must be recorded in the log. The use of a State vehicle for personal errands, any form of shopping, or personal business activity during the authorized lunch or break period is prohibited. The need for emergency medical treatment, or prescription drugs in an urgent situation, would not be considered as unauthorized use.
 10. All damage to State vehicles, regardless of cause, must be reported within 24 hours and in accordance with the procedures set forth by the Bureau of Risk Management, and annexed hereto. A fully completed RM-1A must be filed with his/her supervisor and vehicle coordinator within 24 hours. A \$250 per incident fine will be imposed on the State driver's Department for failure to comply.
 11. All accidents shall be reviewed by a panel of State employees who comprise the Transportation Services Automobile Accident Review Board. The Board shall report its findings and recommendations to the appropriate department or agency personnel officer, who shall take actions as required.
 12. When State vehicles are used for travel 25 miles or more beyond the borders of the State, and a credit card is required, advance notice is to be given to Transportation Services by filing the appropriate form (ADMV-106) through the Director.
 13. Assignment of commercial credit cards for the purchase of gasoline, oil, or emergency minor repairs (under \$100), after work hours or on weekends may be requested through Transportation Services in accordance with the provisions of Circular 10-06-ADM, Motor Vehicle Credit Card Assignment and Use.

14. No physical alterations shall be made to a Transportation Services vehicle without proper approval from the Chief of Transportation Services. This regulation applies to the installation of communications or audio equipment that would deface the vehicle, authorized changes to the body or engine, additions of using agency logos or insignias or the removal of the State seals or vehicle abuse hotline stickers.
15. Tax liability for use of State-provided vehicles shall be in accordance with all circulars on the subject. Circulars are issued annually to reflect current IRS rules and regulations.

B. DRIVER/COORDINATORS

1. Drivers of individually or permanently assigned vehicles may store vehicles at their residences and drive vehicles to and from their official work stations when required by work assignment. It should be noted that commutation is not the primary purpose of individually assigned vehicles. In those cases when a pool vehicle is relocated because of the lack of a secure parking facility, those vehicles could be assigned on a priority basis to those employees whose residences are the nearest to that unit's parking facility.
2. The vehicle coordinators of agency pool vehicles should demonstrate official State business usage in excess of 750 miles per month, unless a frequency of use for less mileage can be satisfactorily justified to the Director, or his/her designee.
3. Drivers or coordinators of permanent or temporary pool vehicles, other than cabinet vehicles, must report both official business and commutation miles for each vehicle on the appropriate form or computer disk. Mileage reports are due at the end of the assignment term or by the fifth working day of each month for the entire term of a multi-month assignment. For the purpose of this circular, commutation is defined as direct travel between an employee's residence and official work station. (See B. Item 14)
4. Drivers of any State vehicle must possess a valid driver's license to operate a motor vehicle in the State of New Jersey.
5. Drivers are responsible for operating safe vehicles and, as such, must report unsafe conditions as soon as possible to Transportation Services. Prior to the operation of any State vehicle it shall be the individual driver or pool leader's responsibility to complete a pre-trip visual inspection of the vehicle. A pre-trip inspection shall include checking all fluid levels. In addition to the physical condition of the vehicle, safe operation will include obeying all State and local traffic laws, possessing a valid drivers license, registration, motor vehicle identification card and inspection sticker. Drivers are not permitted to operate a State vehicle which is unsafe or which is not properly equipped for the foreseeable road, weather, and light conditions. Pre-inspections of a vehicle will include the presence of State seals and vehicle abuse hotline bumper sticker.
6. When a vehicle is due for preventive maintenance, the driver of an individually assigned vehicle and the vehicle coordinator for an agency pool vehicle are responsible for ensuring that the vehicle is returned to Transportation Services for scheduled service. Failure to adhere to this requirement could result in the vehicle being recalled and the agency being charged for damage that results from non-compliance. Transportation Services' maintenance interval is eight months or 7,500 miles, whichever comes first.
7. A driver assigned a State vehicle is responsible for the security of the vehicle and its contents. The vehicle must be legally parked with the engine off and doors locked when left unattended.
8. Drivers are personally responsible for all fines accrued as a result of traffic violations related to operation of State vehicles as outlined in Circular 10-07-ADM, State Vehicle Parking Violation Control Policy.
9. Damage to State Vehicles
 - a) The State driver or the driver's supervisor, if the driver is incapacitated, of a vehicle involved in an accident resulting in damage to the State vehicle must file, within

- 24 hours of the accident, a fully completed written accident report (RM-1A) with his/her department's vehicle coordinator.
- b) The departmental vehicle coordinator or designee shall, within 48 hours after receipt of the RM-1A, file an original and two copies of the report to Transportation Services in the Department of the Treasury.
 - c) Police shall be notified of an accident by the driver or department vehicle coordinator if the driver is incapacitated. A copy of the police report must be submitted to Transportation Services as soon as it is available.
 - d) An incident report (RM-1B) will be filed with Transportation Services whenever other vehicle damages are incurred. The filing time parameters for the RM-1B are the same as the RM-1A.
 - e) Failure to comply with the aforementioned can result in appropriate departmental disciplinary action or in recall of the vehicle by the Director. Any fee charged for a police report will be borne by the using agency or driver.
 - f) Drivers are required to inspect their vehicles each day before use for any damage that may have occurred during idle periods. Noted damage should be reported to the vehicle coordinator immediately.
10. If a State vehicle is misused in any of the following ways, the driver's State vehicle driving privileges may be suspended or revoked, and additional disciplinary action may be taken if deemed appropriate.
- a) Frequent violation of traffic laws, as shown on the driver's abstract as determined by the Director or his/her designee.
 - b) Flagrant violation of the traffic laws, as determined by the Director or his/her designee.
 - c) Operation of the vehicle which causes an accident (as determined by the State Accident Review Board).
 - d) Use of a vehicle for unauthorized personal, business, or commutation use.
 - e) Violation of circulars governing the assignment, use, operation, repair, and/or maintenance of vehicles. This includes the failure to submit a vehicle for preventive maintenance.
 - f) Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes.
 - g) Use of a State vehicle by an unauthorized individual while assigned to an employee. An employee shall mean any officer, employee, or other individual authorized to operate a State vehicle on official State business. Persons working for the State who are hired through temporary employment agencies and are not paid directly by the state are not permitted to operate State vehicles. Contract repair vendors, whose employees may operate State vehicles in the performance of the contract, must be insured to the limit of the standards and terms of the contract. Agencies who use non-contract vendors, whose employees may be required to operate a State vehicle in the performance of a service to the State, must contact the Bureau of Risk Management for guidance before any such person is allowed to operate any State vehicle. Any question concerning the eligibility of a driver to operate a State vehicle should be referred to the Bureau of Risk Management.
 - h) The use of a State vehicle to transport any person, other than in the course of their assigned duties and responsibilities, is prohibited.
 - i) While in a state vehicle the driver and any passengers are prohibited from smoking any type of tobacco product (i.e. cigarettes, cigars or pipes).
11. The use of audio, tape recorder, etc., equipment (including headphones) is prohibited except when factory installed.
12. The use of radar detectors in State vehicles is not permitted.
13. The use of a cell phone while driving a State vehicle is only permitted when conducting official State business and only when a hands-free device is utilized.

14. All agencies with permanently assigned Central Motor Pool vehicles are required to submit a monthly Vehicle Usage Report (ADMV-104). This report must be submitted to Transportation Services within five working days of the close of the reporting month. If the vehicle is an individual assignment it is the responsibility of the individual assigned the vehicle to submit the ADMV-104. If the vehicle is an agency pool assignment, it is the responsibility of the vehicle coordinator to see that the ADMV-104 is submitted indicating the number of miles at the time of service and the number of days assigned or used prior to being put in for service. Three periods of non-use in one year will be considered reason to recall the vehicle.
15. Drivers are required to fuel eligible dual-fuel, flex-fuel, or alternative fuel State vehicles with the cleanest fuel types available, which are compatible with the vehicle. This requires maximizing the use of approved alternate fuels, while minimizing the use of petroleum-based gasoline and diesel products. Examples of preferred fuel types include compressed natural gas (CNG), propane, biodiesel (B20) and ethanol (E85), once this alternative fuel becomes available at State fueling locations. This will reduce greenhouse gas air emissions and reduce petroleum consumption by the State vehicle fleet, in compliance with the Federal Energy Policy Act.
16. State drivers are required to operate State vehicles in an energy-efficient manner. This minimizes fuel consumption and cost, reduces greenhouse gas emissions, and reduces air pollution. Energy-efficient vehicle operation includes the following practices:
 - a) Plan vehicle trips in advance to minimize distances traveled.
 - b) Carpool with others when feasible to maximize vehicle occupancy.
 - c) When using a pool vehicle, select the most fuel-efficient vehicle possible.
 - d) Turn State vehicles in for regular maintenance as required ensuring efficient operation.
 - e) No State vehicle should be allowed to idle longer than three minutes while parked, excluding law enforcement.
 - f) Utilize cruise control, if available, to maintain steady speeds during highway travel, when safe to do so.
 - g) Check tire pressure every two months, maintaining the air pressure specified on the tire sidewall.
 - h) Obey posted speed limits and avoid rapid acceleration (excluding law enforcement activities).
 - i) Remove unnecessary items from the passenger compartment or trunk to reduce vehicle weight.
 - j) If the "Check Engine Light" comes on and stays on, first check the gasoline fuel cap to make sure it is tight. If the light stays on after several trips after tightening the cap, make an appointment to have the vehicle checked by the vehicles' assigned maintenance location. If, at any time, the "Check Engine Light" comes on and is flashing, proceed to the nearest safe location and contact the vehicles' assigned maintenance location to have the vehicle checked. A flashing "Check Engine Light" means a severe engine problem has occurred that could damage the vehicle if not repaired.

C. PENALTIES

When disciplinary action is necessary, progressive, uniform, and mandatory penalties should be applied. The burden of determining the severity of the abuse and for taking appropriate disciplinary action (and referral to Employee Advisory Service) lies with the agency manager,

who has the flexibility to consider such factors as willful intent. Should the agency fail to act in the best interest of the State (i.e., appropriate disciplinary action for the inappropriate use of a State vehicle), the Director, or his/her designee may find it necessary to revoke the State vehicle driving privileges of the offending employee, or recall the vehicle from the offending agency.



David Ridefino
Director

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 1.16A

Page 1 of 4

SUBJECT: STATE VEHICULAR ASSIGNMENT AND USE

EFFECTIVE DATE: 07/05/11

APPROVED BY: Magdalena Padilla, Chief of Staff

I. PURPOSE

To establish the policy regarding the assignment and use of State provided vehicles.

For additional information regarding the use of State vehicles, please see the following policies and procedures:

- 1.11 Reporting and Disposing of Inoperable Vehicles Assigned to NJDEP
- 1.16B Temporary Assignment of Vehicles from Treasury Central Motor Pool
- 1.16C Temporary Assignment of Vehicles from the DEP Motor Pool
- 1.16D Driver's License Verification Program (previously 2.50)
- 1.58 CMP/Agency Owned Gasoline Credit Cards
- 1.58A Commercial Gasoline Credit Card Charges
- 1.59 Parking Tickets
- 1.61 State Vehicle Accident/Incident Reporting
- 1.64 Vehicle Mileage Reporting
- 1.89 Emergency Gasoline Purchases and/or Repairs
- 2.41 Vehicle Complaint Procedure

II. AUTHORITY

N.J.S.A. 13:1B-3

N.J.S.A. 13:1D-2

N.J.A.C. 4A: 2-2.3

Current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy
(<http://www.state.nj.us/infobank/circular/cir1005a.pdf>)

III. SUPERSEDES

Policy 1.16A dated 06/23/08.

IV. DEFINITIONS

Department Vehicle Coordinator - shall mean the person in the Department who has been designated the duties of the Department Vehicle Coordinator, and who maintains liaison between this Department and the Department of the Treasury, Bureau of Transportation Services.

Director/Administrator - shall mean the manager responsible for a significant organizational entity reporting to the Commissioner, Deputy Commissioner, Chief of Staff, or an Assistant Commissioner.

Division Vehicle Contact - shall mean the person(s) in any division or administration in the Department who has been designated the duties of Vehicle Coordinator.

Employee (Driver) - shall mean any individual hired to work for the Department whether in the Career, Unclassified or Senior Executive Service, on a full-time, part-time or intermittent basis. (This also includes hourly employees, employees on loan to the Department under the Intergovernmental Personnel Act and employees on loan from other State agencies or employed by other State Agencies, authorized to operate a

SUBJECT: STATE VEHICULAR ASSIGNMENT AND USE

EFFECTIVE DATE: 07/05/11

State vehicle on department business).

NOTE: Employees hired from a temporary employment agency are not covered by the self-insurance fund and, therefore, are not authorized to operate a State-owned vehicle.

Form ADM-239 - shall mean the Certification of Accountability for "Operating a State Provided Vehicle", required to be completed by all employees. (Available from General Services and System Coordination, 609-292-1553 or online at <http://depnet/projects/centralservices/wp/CSforms/ADM239.pdf>)

Form ADM-253A - shall mean the Monthly Vehicle Usage Log, which is completed by assigned driver/ pool coordinator of a State vehicle. (Available from General Services and System Coordination, 609-292-1553 or online at <http://depnet/projects/centralservices/wp/CSforms/ADM253A.doc>)

Form RM-1A - shall mean the State of New Jersey Vehicle Accident Report form that must be completed by the driver of a State vehicle when a collision or other mishap occurs involving damage to an occupied State vehicle and/or injury to anyone involved in the accident. (Available from General Services and System Coordination, 609-292-1553 or online at <http://www.state.nj.us/treasury/administration/pdf/rm1a.pdf>.)

Form RM-1B - shall mean the State of New Jersey Vehicle Incident Report form that must be completed by the driver of a State vehicle when damage to a State vehicle occurs resulting from vandalism or theft of a State vehicle. (Available from General Services and System Coordination, 609-292-1553 or online at <http://www.state.nj.us/treasury/administration/pdf/rm1b.pdf>)

Form TS-103 - shall mean Vehicle Request and Assignment Report, which is completed by assigned driver/pool coordinator for a State vehicle. (Available from General Services and System Coordination, 609-292-1553 or online at <http://depnet/projects/centralservices/wp/CSforms/TS103.pdf>)

V. POLICY

Eligibility for permanent assignment will be determined based on the individual's work assignment and responsibilities. Generally, an employee's work assignment for at least three days per week must be conducted outside of the official work station, and require transportation. Individual assignments for infrequent users or those functions and responsibilities which do not involve "field work" will be reviewed by Program management along with the Department's Vehicle Coordinator to determine if permanent reassignment is appropriate. Those who are not eligible for permanent vehicle assignments can avail themselves of the Department of Treasury Central Motor Pool or the Department Motor Pool via General Services and System Coordination. Exceptions to this policy is DEP Law Enforcement Officers and First Responders.

VI. RESPONSIBILITIES

Administrator, General Services and System Coordination is responsible for:

- monitoring Department-wide vehicle usage;
- providing the Division Vehicle Contacts with current information concerning State vehicle practices;
- reviewing/processing all requests for new/replacement vehicles;
- establishing, offering and maintaining the Department Motor Pool to service Department employees.

SUBJECT: STATE VEHICULAR ASSIGNMENT AND USE

EFFECTIVE DATE: 07/05/11

Department Vehicle Coordinator is responsible for:

- reviewing Form TS-103 and memoranda for validity and approving vehicle for use.

Director of Human Resources is responsible for:

- determining the appropriate level of disciplinary action to take when employees violate vehicle usage regulations/policies and carrying out said action;
- ensuring all new employees have completed Form ADM-239.

Directors/Administrators are responsible for:

- approving the request for purchase of new/replacement vehicles and transmitting it to the Administrator, General Services and System Coordination;
- identifying a Division Vehicle Contact(s) who shall be responsible for coordinating use of State vehicles within the division in accordance with the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy and all Departmental Policies and Procedures relating to vehicle usage;
- identifying funds for the payment of all collision charges when a driver in their division or organizational equivalent is in an accident and is the responsible party;
- reviewing and approving permanent assignment for infrequent users;
- recommending appropriate disciplinary action when vehicle usage regulations are violated by employees;
- when Management and/or the Division of Human Resources Office of Labor Relations deem appropriate, restitution will be sought by the department if an employee is at fault;

Division Vehicle Contacts are responsible for:

- ensuring that all State vehicles assigned to the unit are being utilized in accordance with the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy;
- distributing and collecting all vehicle information to be forwarded to Department Vehicle Coordinator;
- ensuring that all vehicle operators have received copies of the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy and are advised of all changes pertaining to vehicle usage as issued;

Employees (Drivers) are responsible for:

- completing the Form TS-103 Vehicle Request and Assignment Form and forwarding to the Bureau

SUBJECT: STATE VEHICULAR ASSIGNMENT AND USE

EFFECTIVE DATE: 07/05/11

Chief/Designee for approval/signature;

- prior to operating a State vehicle, familiarizing themselves with the provisions of the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy and all Departmental policies and procedures related to vehicle usage and abiding by all regulations/policies contained therein when in possession of a State vehicle;
- completing a Monthly Vehicle Usage Log Form ADM-253A that is maintained by the driver, and upon request, made available;
- wearing their seat belt and ensuring that all passengers wear seat belts as required by State law when the vehicle is in operation;
- Adhering to all language directives in accordance with current Treasury Circular Letter on State Vehicular Assignment and Use (i.e. mileage, taxability, bumper stickers, etc.);
- responsible for operating vehicle in a safe manner, adhering to all state laws, including the proper use of cellular phone equipment and use of hands-free device. If involved in a vehicle accident/incident, reporting the accident/incident and submitting a completed Form RM-1A or RM-1B. (refer to Policy and Procedure 1.61);
- Adherence to appropriate maintenance schedule in accordance with the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy;
- As per P&P 1.81 "Smoke-Free Workplace Policy" (<http://depnet/library/policy/1-81.doc>) smoking is prohibited in all State Owned vehicles at all times;
- completing Certification of Accountability Form ADM-239 prior to use of a State vehicle;
- completing all other necessary documentation (i.e., Taxability Form, and Monthly Mileage Card).

NOTE: Violation of vehicle usage regulations and policies may be cause for disciplinary action. Violations resulting in negligent damage to and/or loss of state property may also be cause for disciplinary action and/or restitution. Any claims for compensation for injuries received during the operation of a State vehicle will be evaluated based on employee's compliance with the current Department of the Treasury Circular Letter-State Vehicular Assignment and Use Policy and Department Policy and Procedure.

Managers/Bureau Chiefs/Supervisors are responsible for:

- requesting and justifying the need to purchase new/replacement vehicles;
- ensuring that all State vehicles assigned to the unit are being utilized in accordance with the current Department of the Treasury Circular Letter – State Vehicular Assignment and Use Policy and all Department Policies and Procedures relating to vehicle usage.

VII. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 1.61

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SUBJECT: STATE VEHICLE ACCIDENT/INCIDENT REPORTING

EFFECTIVE DATE: 04/27/09

APPROVED BY: Ved P. Chaudhary, Assistant Commissioner for Management and Budget

I. PURPOSE

To establish the policy and procedure for reporting accidents/incidents involving State of New Jersey owned vehicles.

II. AUTHORITY

N.J.S.A. 13:1B-3
N.J.S.A. 13:1B-4
N.J.S.A. 13:1D-2
N.J.S.A. 13:1D-9
N.J.A.C. 17:15-2.18

III. SUPERSEDES

Policy and Procedure No. 1.61 dated 12/06/99.

IV. DEFINITIONS

Accident - shall mean collision or other mishap involving damage to a state owned vehicle and/or injury to anyone involved in the accident.

Department Vehicle Coordinator - shall mean the person in the Department who has been designated the duties of the Department Vehicle Coordinator, and who maintains liaison between this Department and the Department of the Treasury, Bureau of Transportation Services.

Division Vehicle Contact - shall mean the person(s) in any division or administration in the Department who has been designated the duties of Vehicle Coordinator.

Form RM-1A - shall mean State of New Jersey Vehicle Accident Report. (Available from General Services at 609-292-1553.)

Form RM-1B - shall mean State of New Jersey Vehicle Incident Report. (Available from General Services at 609-292-1553.)

Incident - shall mean damage to a state owned vehicle resulting from vandalism or theft of a state vehicle.

V. RESPONSIBILITY

It is the responsibility of the employee who has an accident/incident involving a State owned vehicle to report the accident/incident according to the procedure outlined herein, and on the forms as specified. It is also their responsibility to obtain a police report of an accident/incident and submit it as required.

SUBJECT: STATE VEHICLE ACCIDENT/INCIDENT REPORTING

EFFECTIVE DATE: 04/27/09

To require that any employee involved in an accident/incident with a State owned vehicle promptly report such accident/incident according to the procedure set forth herein.

VI. POLICY

On-the-job injuries sustained by an employee while a driver or a passenger of a state owned vehicle must be reported as provided for in Policy and Procedure No. 2.16 "On-The-Job Injuries/Illnesses". NOTE: The report must be submitted within one (1) working day of the occurrence.

NOTE: If a State vehicle is operated without authorization and is utilized for other than State business, there will be no liability coverage for the driver and/or any of the vehicle passengers. The driver, in case of an accident/incident, shall be responsible for any damages incurred to the vehicle and is subject to disciplinary action

VII. PROCEDURE**Employee**

- 1a. At the site of the accident or incident, the driver is required, pursuant to N.J.S.A. 39:4-129, to contact the police and request a police report. If a police report is not taken at the scene, the driver must report the accident/incident to the nearest local police department, county or State Police.
- 1b. Submit the police report within 10 days of the accident/incident to the appropriate Division Vehicle Contact. Keep a copy for your reference.
2. Within 24 hours of the accident/incident, the driver must complete and submit a Form RM-1A (Blue) State of New Jersey Vehicle Accident Report or a Form RM-1B (Green) State of New Jersey Vehicle Incident Report and send a copy to the Division Vehicle Contact. Keep a copy for your reference.
3. Within one (1) working day of the occurrence if there was an injury to the driver or passenger(s), follow the procedure in Policy and Procedure 2.16 "On-The-Job Injuries/Illnesses".
4. If the accident/incident occurred on a weekend, holiday or after hours, obtain a memorandum from your supervisor verifying that you were on State Business at the time of the accident/incident. Forward a copy to the Division Vehicle Contact within 10 days after the accident/incident. Keep a copy for your records.

Division Vehicle Contact

5. Check paperwork relating to accident or incident for completeness and accuracy.
6. On Form RM-1A or RM-1B check for the following:
 - a. All necessary items have been completed, including the driver's signature and that of his/her supervisor.
 - b. If the accident/incident occurred on a weekend, holiday or after hours, a memorandum from supervisor verifying this person was on State business at the time of the accident/incident must

SUBJECT: STATE VEHICLE ACCIDENT/INCIDENT REPORTING

EFFECTIVE DATE: 04/27/09

be included.

7. Forward all available information to the Department Vehicle Coordinator, General Services within 48 hours. All reports not available at that time must be sent within 10 days to the Department Vehicle Coordinator.

NOTE: It is the responsibility of the Division Vehicle Contact to follow-up and obtain from the employee all required information within the appropriate time frame.

Department Vehicle Coordinator

8. Receive accident/incident report from Division Vehicle Contact Person. Review pertinent information on RM-1A or RM-1B against information in said vehicle file (driver name, assignment, vehicle license number etc.).
9. If RM-1A or RM-1B is in order and no pertinent information on form itself is missing, Department Vehicle Coordinator signs as Fleet Liaison Officer
10. Make required number of copies of all information submitted and forward as follows:
 - a. Original to Central Motor Pool.
 - b. One copy into vehicle file.
 - c. If police report is not provided, send a memo to the Division Vehicle Contact requesting it within a 10-day period.

Note: If police report is received at a later date, a copy must be sent to Central Motor Pool.

11. Maintain file and respond to all inquiries relating to vehicle accident/incident until resolution of each is accomplished.

VIII. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

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SUBJECT: WORKPLACE VIOLENCE

EFFECTIVE DATE: 10/20/11

APPROVED BY: Magdalena Padilla, Chief of Staff

I. PURPOSE

Consistent with Executive Order No. 49, to establish the Department's policy and procedures for addressing workplace violence.

II. AUTHORITY

N.J.S.A. 13:1B-3

N.J.S.A. 13:1D-2

Executive Order #49, April 17, 1996 (<http://nj.gov/infobank/circular/eow49.htm>)

III. SUPERSEDES

Policy and Procedure 2.01 dated 11/03/04

IV. DEFINITIONS

Control Plan – shall mean a plan that describes the actions and people involved in responding to threats of violence or actual violence.

Crisis Management Plan (CMP) - shall mean a plan developed by the Department designed to prevent and react to issues of workplace violence. Such plan shall include a prevention component and a control component.

Crisis Response Team (CRT) – shall mean a group of individuals responsible for implementing the Crisis Management Plan. In the event of a violent incident, this group would direct the department's response.

Form ADM-176(E) – shall mean the electronic "Near Miss, Minor Injury and Exposure Incident Report" form completed by an employee. (available online at <http://dep-inet2.dep.state.nj.us/programs/oohs/near%20miss%20login%20page.htm> – field locations may contact Office of Occupational Health and Safety at 1609-292-1408 for the paper version ADM-176).

Form ADM-362 – shall mean the "Workplace Violence Report" form completed by an employee, witness or Manager/Supervisor. (available online at <http://dep-inet2.dep.state.nj.us/hr/docs/adm-362.pdf>)

Form RM-2 – shall mean the "Employer's First Report of Accidental Injury or Occupational Disease" form completed by or for the employee. (available online at http://dep-inet2.dep.state.nj.us/hr/docs/RM_2.pdf).

Harassment, Intimidation and Verbal Abuse – shall mean behavior or communication designed or intended to intimidate, menace or frighten another person.

Physical Attacks - includes physical acts such as hitting, slapping, poking, pinching, grabbing or pushing. An attack becomes physical once unwelcome physical contact occurs between two parties. Throwing objects in the workplace may be considered a physical attack.

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Potential Threats - Involve the suggestion (verbal or nonverbal) of a physical attack; the discovery of items/materials in the workplace that indicate potential workplace violence; receiving threatening telephone calls, harassing or threatening text messages, harassing or threatening letters, e-mail messages or other forms of written or electronic communications; and/or the willful, malicious and repeated stalking of another person either physically or electronically.

Prevention Plan – shall mean the plan that describes the steps that DEP will take to prevent or minimize the risks of workplace violence.

Property Damage: shall mean damage to property, which includes property, owned or utilized by the State, employee, clients and visitors.

Weapon - shall mean any instrument which will cause death or great bodily injury when used in the ordinary and usual manner contemplated by its design and construction and includes, but is not limited to: firearms, clubs, knives, stun guns, brass knuckles and martial arts weapons. It does not include an ordinary pocketknife or tool, which an employee uses in conjunction with work or is authorized by a supervisor for a legitimate work related purpose.

Workplace Violence - includes, but is not limited to, threats and/or the display of threatening behavior, physical attacks and verbal abuse or harassment.

V. POLICY

The safety and security of all employees, as well as members of the public with whom we engage in business, is of the utmost importance. It is the policy of the Department that threats/threatening behaviors, physical attacks and verbal abuse or harassment committed either on property owned or leased by the State of New Jersey or any extension of the workplace will not be tolerated.

Violations of this policy by employees or the public will be immediately addressed through appropriate disciplinary, administrative and/or legal action.

Depending on individual circumstances, any person or employee who engages in threatening behavior, physical attacks, makes threats, harasses others, attempts to intimidate employees or members of the public may be removed from State property or premises as quickly as safety permits and remain off the premises pending the outcome of an investigation.

Also dependent on the circumstances, worksite management may request law enforcement personnel to remove any employee or person engaged in physical attacks, threats/threatening behaviors, harassing others or intimidating employees or members of the public. If time permits, employees will advise the worksite manager, who will contact the State Police to remove the perpetrator. If time does not permit, employees shall contact the State Police directly.

The Department will investigate any instance of workplace violence involving Department employees and appropriate action will be taken. This action may include, but is not limited to, criminal prosecution of the person(s) involved, suspension and/or removal from State service. Forfeiture of employment may be applicable as specified by the New Jersey Criminal Code when an employee is convicted of a 1st, 2nd or 3rd degree crime or a 4th degree crime touching on employment or other offenses as set forth in N.J.S.A. 2C: 51-2.

SUBJECT: WORKPLACE VIOLENCE

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Any instance of workplace violence involving individuals who are not employees of the Department will be investigated and appropriate action taken. The Department reserves the right to refer these situations to the Office of the Attorney General for further action.

Under no circumstances may an employee of this Department, when on departmental property or in official work status elsewhere, or a member of the public, other than an appropriately licensed law enforcement officer or security officer, possess any form of weapon, as defined by this policy, on their person at any time whether by virtue of having a permit or not. In the event that such person does have a permit to carry such type of weapon, this policy shall supersede that permit. Additionally, those authorized to possess weapons in accordance with their assigned job duties shall take necessary action to secure those weapons appropriately prior to attending any administrative hearing, whether that employee is participating as the appellant or a witness.

VI. RESPONSIBILITIES

As part of this policy, the Department hereby establishes a Crisis Response Team (CRT). Members of the CRT shall include the Director of Human Resources; a representative from General Services; Chief Advisor to the Commissioner or designee; a representative from State Police; Director of the Office of Communication; a representative from the Division of Human Resources' Office of Labor Relations; and a representative from the Office of Occupational Health and Safety.

Crisis Response Team shall be responsible for:

- reviewing/revising this policy and the workplace violence incident report form;
- development and distribution of the Department's Crisis Management Plan;
- ensuring implementation of the Crisis Management Plan and this policy;
- reviewing incident reports as necessary to determine what, if any, measures the Department should take to prevent reoccurrence of future incidents;
- recommending training programs for employees; and
- reviewing and/or implementing suggestions submitted for changes in workplace practices or facilities, and modification of the Crisis Management Plan.

Managers and Supervisors are responsible for:

- reporting all incidents of workplace violence as defined by this policy in accordance with the procedures outlined herein;
- taking necessary steps to safeguard employees and diffusing the situation (if law enforcement intervention is not needed);
- seeking medical attention, and/or law enforcement intervention as needed;
- cooperating with representatives of the CRT, Division of Human Resources' Office of Labor Relations and/or law enforcement officials in the investigation of any incident of workplace violence;

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- ensuring that appropriate security/law enforcement personnel have been requested whenever staff are required to attend public meetings which are anticipated to be confrontational in nature;
- identifying employee behavior which may be indicative of potential problems and seeking guidance from the Division of Human Resources, Office of Labor Relations for obtaining assistance for such employees; and
- conducting themselves in the workplace in such manner as to demonstrate the Department's commitment to a zero tolerance for workplace violence.

Director of Human Resources or designee is responsible for:

- establishing appropriate penalties for violation of this policy by any employee;
- keeping the CRT current on state policy and guidelines with respect to workplace violence prevention programs;
- submitting reports to the Civil Service Commission as appropriate;
- ensuring the posting and dissemination of the Department's policy statement on workplace violence to all employees.

Administrator of General Services or designee is responsible for:

- transmitting any active court order of protection, restraining order and/or photographs to Division of Human Resources, Office of Labor Relations, appropriate security and law enforcement personnel;
- ensuring emergency contact protocol is current and posted in prominent locations;
- ensuring that security measures are in place within the department.

Office of Labor Relations is responsible for:

- responding to alleged or actual incidents of workplace violence;
- conducting a full investigation of the incident and initiating disciplinary action as appropriate;
- providing advice and counsel to the CRT, management and employees;
- referring victim and/or perpetrator to training and/or a qualified professional to provide psychological intervention or counseling, as appropriate;
- recovering employee ID and/or access cards and any other equipment assigned to them from employees who commit a workplace violence offense and are being removed from the work area because they present a risk, and advising OIRM to restrict employee system and/or data access as appropriate; and
- upon request, assisting employees in completing workplace violence incident forms.

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Office of Information Resources Management (OIRM) is responsible for:

- upon request of the Commissioner, Deputy Commissioner, or Director of Human Resources or designee, respond to alleged or actual incidents or workplace violence by securing and restricting DEP network user Ids, and access to network data and systems by the offending employee(s);
- recovering and securing all state-owned computers, devices and/or access cards used by the offending employee(s) to access DEP network data and systems;
- conducting an investigation of Information Technology equipment and/or systems used or involved in workplace violence incident(s). If the workplace violence incident(s) involves physical damage of state-owned Information Technology equipment, or the use of external network or data systems, a forensic investigation may be required. Forensic investigations must be specifically requested by the Commissioner, Deputy Commissioner, or Director of Human Resources or designee, and may require assistance of New Jersey State Police, local law enforcement, and/or computer forensic investigation vendors;
- when completed, submitting a written report of the Information Technology investigation finding to Director of Human Resources;
- providing Information Technology advice and counsel to the CRT, management and employees; and
- upon the request of the Commissioner, Deputy Commissioner, or Director of Human Resources or designee, assisting with Information Technology investigation of workplace violence incident(s) involving personally owned computers, devices, external data or e-mail systems, and or public or social networks.

Employees are responsible for:

- Depending on the severity of the incident, contacting either building security or State Police directly, or local police for field locations.
- notifying their supervisor immediately if they have received a court order of protection or restraint and providing this information and appropriate photographs to the Administrator of General Services or designee for identification purposes;
- reporting all incidents of workplace violence in accordance with this policy;
- using safe work practices, for following all directives, policies and procedures, and assisting in maintaining a safe and secure environment;
- cooperating with any investigation of workplace violence, including providing statements regarding an incident of workplace violence to which they were a witness.

VII. PROCEDURES

- A. All Department personnel are responsible for notifying, as soon as possible, the management person in charge of the worksite of any incident or potential incident of workplace violence including any

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threats which they have witnessed or received. If no supervisor/manager is available, the incident should be reported to the next highest level of authority in the chain of command.

- B. Any employee who, for any reason, does not feel comfortable in reporting an incident or potential incident to his/her supervisor/manager, may contact the Division of Human Resources' Office of Labor Relations directly for appropriate guidance/assistance.
- C. In the event of a workplace violence incident, the manager/supervisor's first priority is to take the necessary steps to safeguard surrounding employees and/or obtain emergency medical attention as required. This shall include immediately notifying the State Police at 609-777-4949 or local police for field locations for assistance in having the alleged offender confined or removed from the State premises/property and notifying Building Security of the incident. **The Emergency Contact Protocol shall be posted in a prominent location in all offices. Such information should also be periodically reviewed with staff by the managers/supervisors of that location.**
- D. In the event of a potential threat of harm to employees, the manager/supervisor's first priority is to take the necessary steps to safeguard employees, and immediately notify the State Police at 609-777-4949 or local police for field locations for assistance in having the alleged offender confined or removed from the State premises/property. Building Security Personnel shall also be notified of such an incident. **The Emergency Contact Protocol shall be posted in a prominent location in all offices. Such information should also be periodically reviewed with staff by the managers/supervisors of that location.**
- E. Once emergency issues are addressed, but no later than close of business of the day of the incident, the manager/supervisor should contact the Division of Human Resources' Office of Labor Relations (609-984-0320) to verbally report the incident and what, if any, action has been taken and seek further direction. Should a violent incident occur outside of normal business hours, the Director of Human Resources may be reached by calling the Department's Communication Center at 1-877-WARNDEP (927-6337). The manager/supervisor should also contact the appropriate Senior Staff member responsible for the program.
- F. The victim, any witnesses, and the manager/supervisor shall submit a written incident report (ADM-362 online at <http://dep-inet2.dep.state.nj.us/hr/docs/adm-362.pdf>) to the Division of Human Resources, Office of Labor Relations within one (1) working day of the event. (The Division of Human Resources' Office of Labor Relations is available to assist employees in completing this form or to discuss a workplace violence incident). All reported incidents or potential incidents will be investigated promptly by the Division of Human Resources, Office of Labor Relations and/or appropriate law enforcement officials, depending upon the nature of the incident.
- G. The manager/supervisor shall also obtain and ensure that either Form RM2 (Employer's First Report of Accidental Injury or Occupational Disease online at http://dep-inet2.dep.state.nj.us/hr/docs/RM_2.pdf) or ADM-176(E) (Near Miss, Minor Injury and Exposure Incident Report online at <http://dep-inet2.dep.state.nj.us/programs/oohs/near%20miss%20login%20page.htm>) is filed by or for the affected employee(s) as appropriate for job related incident(s). Both forms can be obtained from the Employee Services Unit, Division of Human Resources at (609) 984-3412.
- H. The Director of Human Resources along with the Administrator of General Services shall determine the appropriate protocols to be followed and initiate disciplinary action as appropriate, which may

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include the removal from duty or reassignment of any employee(s) involved pending the outcome of a full investigation.

- I. Any contact with the Press regarding such incidents should be directed to the representative from the Office of Communication on the CRT.
- J. The CRT shall meet on an as needed basis, to be determined by the Director of Human Resources, to review reported incidents to determine appropriate action for the Department to take and prevent the reoccurrence of such incidents. The CRT shall also review any suggestions, which may have been submitted by employees for changes in workplace practices or facilities for possible implementation and modification of the Department's Crisis Management Plan.

VIII. EMPLOYEE ASSISTANCE PROGRAM

- A. In situations considered to be potentially volatile or where an employee's fitness for duty is in question, the Department may use the services of the Civil Service Commission's Employee Advisory Service (EAS) or other health care providers as determined by the Director of Human Resources. Any refusal to submit to an evaluation may be considered grounds for disciplinary action.
- B. Depending on the circumstances, the Department may also utilize EAS or other health care providers to ensure the safety, psychological comfort and support of the victims of workplace violence.

IX. LEGAL REPRESENTATION

The CRT shall advise the Chief Advisor or designee of any confirmed assault of an employee in the course of his/her official duties for a determination regarding the need to seek legal counsel for the employee from the Office of the Attorney General, as appropriate.

X. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal.

KEY NOTIFICATION NUMBERS

Director of Human Resources	Telephone	(609) 292-1898
	Fax	(609) 292-0968
Office of Labor Relations	Telephone	(609) 984-0320
	Fax	(609) 633-7689
Administrator, General Services	Telephone	(609) 292-1553
	Fax	(609) 984-5329
Office of Occupational Health and Safety	Telephone	(609) 292-1408
	Fax	(609) 984-2488

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Office of Communications

Telephone (609) 292-9289
Fax (609-777-1781

Office of Information Resources Management

Telephone (609) 292-3211
Fax (609) 292-7200

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 2.02
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SUBJECT: DIVERSITY IN THE WORKPLACE

EFFECTIVE DATE: 06/23/08

APPROVED BY: Ved P. Chaudhary, Assistant Commissioner for Management and Budget

I. PURPOSE

To establish a policy to serve as guidance to department managers and staff regarding the promotion of diversity and inclusion practices in the workplace.

- Sustain and enhance a positive, inclusive, and professional work environment.
- Achieve diversity in all programs, and at all management levels of DEP that reflects the diversity of the State of New Jersey.

II. AUTHORITY

N.J.S.A. 13:1B-3

N.J.S.A. 13:1D-2

DEP Policy 2.48 – The Interim Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace, revised July 15, 2005 (State Policy dated 06/03/05)

III. SUPERSEDES

Policy and Procedure 2.02 dated 04/08/02

IV. DEFINITIONS

Cultural Competencies – shall mean having the ability to recognize and respond to our similarities and differences and make better decisions based on that understanding.

Director/Administrator – shall mean the manager responsible for a significant organizational entity reporting to the Commissioner, Deputy Commissioner, Chief of Staff/Director of Operations, or an Assistant Commissioner.

Diversity - shall mean the mosaic of people who bring a variety of backgrounds, styles, perspectives, values, beliefs and differences as assets to the groups and organizations with which they interact regardless of race, color, gender, national origin, religion, age, disability, sexual orientation or marital status.

Diversity Employee Resource Group (DERG) – shall mean the employer-recognized groups of employees who are organized around a shared set of interests, experiences and perspectives, and whose activities are of professional benefit to the employees and further the mission of the New Jersey Department of Environmental Protection.

Diversity Officer – shall mean the individual responsible for serving as the Secretary of the Diversity Plan Task Force and to support and coordinate the implementation of the Diversity Action Plan.

Employee - shall mean any individual HIRED TO WORK FOR THE Department whether in the Career, Unclassified or Senior Executive Service, on a full-time, part-time or intermittent basis.

SUBJECT: DIVERSITY IN THE WORKPLACE

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Manager/Supervisor – shall mean the individual responsible for preparing, evaluating and signing the employee's Performance Assessment Review (PAR) or Performance Evaluation System (PES), and approving the employee's time sheet.

V. POLICY

It shall be the policy of this Department to create and nurture an atmosphere in which the department's workforce will evolve into one that reflects, at all levels, the communities that it serves; and to cultivate an environment that views and values difference as strengths.

It shall be the Department's policy to support and advance diversity in the workplace to improve upon how we relate to others internally, as well as our external constituents.

By incorporating diversity into its plans, goals and objectives, practices and processes, the Department shall create a work force that is more reflective of its stakeholders, eliminate prejudices, creates harmony among individuals, minimizes workplace tension and increases productivity.

As a means of evaluating diversity initiatives, the Department shall include "Cultural Competencies" as a job-related factor within managerial performance assessment reviews.

The Department shall have a Diversity Plan Task Force comprised of all Assistant Commissioners, the Director of EEO, the Director of Human Resources, Diversity Officer and one representative from each DEP approved employee DERG group.

Employees who feel they have experienced a violation of the State of New Jersey Policy: Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace should consult P&P 2.48 for guidance in filing a complaint.

VI. RESPONSIBILITIES

The Diversity Plan Task Force shall be responsible for:

- Coordinating, overseeing and monitoring the implementation of DEP's Diversity Action Plan. In addition, the Task Force will review and implement the Department's annual Equal Employment Opportunity and Workforce Development Plan;
- Serving as the Department's source of advice and guidance to the Commissioner on diversity issues. The Task Force shall meet bi-annually;
- Making recommendations to the Commissioner for strategies (i.e. training, special programs or other initiatives as appropriate) to promote diversity within the Department;
- Providing assistance in formulating the Department's process for incorporating and implementing diversity initiatives throughout the workforce;
- Striving for diversity within every program area and ensuring that an inclusive work environment exists to tap the unique knowledge and skills our employees possess.

SUBJECT: DIVERSITY IN THE WORKPLACE

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Diversity Officer shall be responsible for:

- Ensuring that the Department's Diversity Action Plan key action items are completed as scheduled;
- Establishing a Diversity Training Work Group responsible for the development of mandatory diversity training programs for managers and employees;
- Establishing a formal exit interview process;
- Working in collaboration with the Directors, OEO and HR to establish performance accountability measures that monitor the department's progress related to the Diversity Action Plan;
- Monitoring diversity goal performance results for managers;
- Coordinating administrative functions within the DERG process;
- Maintaining a Web Page on the Department's Intranet to promote better communication to all employees on diversity issues.

Managers and Supervisors are responsible for:

- Encouraging and supporting employee participation in diversity-related meetings, training and other activities; managers will create fair opportunities for employee participation in high-profile projects and challenging special assignments; and managers will be responsible for fostering a fair and inclusive workplace.
- Consistently encouraging a climate of inclusion and involvement in which all employees will be able to do their best work, minimize tension and increase productivity;
- Strive to become a cultural competent manager or supervisor by communicating more with employees, helping to build better relationships, and responding to changes in the workplace that relate to diversity.
- Providing equitable opportunities for training and advancement to all qualified staff;
- Developing work processes that are responsive to the diversity of the stakeholders; and
- Attending Diversity Training when scheduled.

Director, Office of Equal Opportunity and Public Contract Assistance shall be responsible for:

- Establishing a comprehensive list of affiliations with minority-focused environmental, natural resources and science related organization such as Mentor Power, (INROADS), Minorities in Agriculture, Natural Resources and Related Sciences (MANRRS), Environmental Career Organizations (ECO), Environmental Education resource groups and Women Professional organizations;
- Working with the Division of Human Resources to implement recruitment plans to ensure that the Department has a broad pool of diverse candidates for all major job categories and program areas.

Director, Division of Human Resources shall be responsible for:

SUBJECT: DIVERSITY IN THE WORKPLACE

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- Designing and implementing appropriate recruitment practices and other special recruitment and development activities such as intern, coaching and mentoring programs, to enhance workforce diversity at both staff and managerial levels;
- Integrating diversity performance standards into the PAR/PES agreements for supervisors and managers throughout the Department;
- Reviewing DEP's existing workforce profile for each division and designing recruitment and succession strategies that demonstrate inclusion of diverse human resources.

Employees are responsible for:

- Showing respect for diversity among their co-workers and stakeholders;
- Abiding by the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace; and
- Attending diversity training as assigned.

VII. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 2.29

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SUBJECT: SECONDARY EMPLOYMENT AND OUTSIDE ACTIVITIES

EFFECTIVE DATE: 05/11/06

APPROVED BY: Ved P. Chaudhary, Assistant Commissioner for Management and Budget

I. PURPOSE

To provide guidance for all DEP employees regarding secondary employment and outside activities which may constitute a conflict of interest or the appearance thereof, and to state the procedures whereby secondary employment and outside activities can be approved by the appropriate personnel.

II. AUTHORITY

N.J.S.A. 13:1B-3

N.J.S.A. 13:1D-1 et. seq.

N.J.S.A. 13:1D-2

N.J.S.A. 52:13D-12 et. seq.

DEP Code of Ethics (<http://depnet/hr/ethcode.htm>)

III. SUPERSEDES

Policy and Procedure No. 2.29 Dated 09/13/85.

IV. DEFINITIONS

Employee - shall mean any individual hired to work for the Department whether in the Career, Unclassified or Senior Executive Service, on a full-time, part-time or intermittent basis.

Secondary Employment or Outside Activity - shall mean a situation, whether compensated or uncompensated, in which services are performed for any person, organization or other entity. The term includes, but is not limited to, the provision of any goods or services, self-employment, volunteer activities (e.g., including but not limited to local environmental commissions, local planning boards, etc.) and any other activity, which, although generally not regarded as employment, may potentially impair one's objectivity and independence of judgment in the exercise of one's official duties.

Outside Employment/Activity Questionnaire - shall mean the form used to declare if employee is engaged, not engaged, or intends to be engaged in secondary employment or outside activity. (Available from the Office of Legal Affairs or online at <http://depnet/hr/docs/CONFLICT.PDF>)

V. RESPONSIBILITIES

Employees are responsible for following the procedures stated in this policy and obtaining the required authorization prior to obtaining secondary employment or engaging in an outside activity.

VI. POLICY

Employees shall not undertake any employment or outside activity whether compensated or not, which might reasonably be expected to, or appear to, impair their objectivity or independence of judgment in the exercise of their official duties.

SUBJECT: SECONDARY EMPLOYMENT AND OUTSIDE ACTIVITIES

EFFECTIVE DATE: 05/11/06

Any Department employee who wishes to commence secondary employment or outside activity shall, prior to the time he or she undertakes this position, complete an Outside Employment/Activity Questionnaire provided by the Department and submits it to his or her Director/Administrator or equivalent. The Director/Administrator or equivalent will make a recommendation to the Department's Ethics Liaison Officer, who will determine whether the secondary employment or outside activity represents a conflict of interest or the appearance thereof. Determinations are subject to review by the Executive Commission on Ethical Standards.

The employee should not begin any secondary employment or outside activity until approval has been received.

All secondary employment and outside activities are reviewed in accordance with the provisions of the New Jersey Conflicts of Interest Law, the regulatory standards promulgated by and guidelines established by the Executive Commission on Ethical Standards, as well as the Department's Code of Ethics. The applicable standards include, but are not limited to, the following:

1. No Department employee may engage in secondary employment expressly forbidden by law.
2. No Department employee involved in reviewing plans, permits, applications or orders submitted to the Department for review shall engage in employment with any of the firms that he/she has or potentially could have contact with in the course of his/her employment with the Department.
3. No Department employee who has access to or knowledge of any Departmental policies, procedures, methodology, equipment, confidential information or similar insight resulting directly from his/her employment with the Department may utilize this information for either personal gain or to contribute to the personal gain of any individual.
4. No Department employee shall engage in any employment, which would compromise his/her objectivity in the performance of his/her duties or give the appearance of causing his/her objectivity to be lessened.

All Department employees, who are engaged or planning to engage in secondary employment or an outside activity, shall complete the Outside Employment/Activity Questionnaire annually.

If circumstances relative to secondary employment or primary employment change, he or she must complete another Outside Employment/Activity Questionnaire and submit it to their Director/Administrator or equivalent for recommendation. The employee must update this form annually.

When the Department employee is no longer engaged in secondary employment or participating in the outside activity, he or she must complete another Outside Employment/Activity Questionnaire accordingly and submit it to the Division of Human Resources for filing in their personnel file, with a copy submitted to their Director/Administrator and to the Office of Legal Affairs.

VII. PROCEDURE

Manager, Human Resources Operations or designee

1. Issues all newly hired employees a copy of this policy and procedure, along with a copy of the Department's Code of Ethics and an Outside Employment/Activity Questionnaire;
New Employee

SUBJECT: SECONDARY EMPLOYMENT AND OUTSIDE ACTIVITIES

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2. The employee will sign a document receipt statement.

If not engaged in or planning to engage in secondary employment or outside activity, completes the Outside Employment/Activity Questionnaire accordingly and returns it to the Manager, Human Resources Operations or designee for filing in the employee's personnel file.

If engaged in or planning to engage in secondary employment or outside activity, completes the entire Outside Employment/Activity Questionnaire accordingly, and returns it to the Manager, Human Resources Operations or designee, who will forward it to the employee's Director/ Administrator or equivalent for recommendation.

All Employees

3. Reviews this policy and procedure and reports whether he/she is engaged in secondary employment or outside activity, as defined in the policy.

If at any time the employee is engaged or planning to engage in secondary employment or outside activity, he/she immediately completes the Outside Employment/Activity Questionnaire accordingly, and returns it to their Director/Administrator or equivalent for recommendation and updates annually thereafter.

If circumstances relative to secondary activity or primary employment should change, the employee completes another Outside Employment/Activity Questionnaire and submits it to their Director/ Administrator or equivalent for recommendation and updates annually thereafter.

Director/Administrator or equivalent

4. Within one week of receipt of Outside Employment/Activity Questionnaire signed and dated by the employee, recommends that the request for secondary employment or outside activity be approved or disapproved.

Forwards the Outside Employment/Activity Questionnaire form with recommendation to the Department's Ethics Liaison Officer.

Department Ethics Liaison Officer

5. Reviews Outside Employment/Activity Questionnaire and the action recommended by Director/Administrator or equivalent.
6. Determines whether the secondary employment or outside activity presents a conflict of interest or appearance thereof.
7. Prepares an advisory opinion on the proposed secondary employment or outside activity and forwards a copy to the employee and the appropriate Director/Administrator or equivalent within two weeks. This advisory opinion shall state whether or not the request for secondary employment has been approved or denied and the reason(s) therefor. Maintain a copy of the advisory opinion and the original Outside Employment/Activity Questionnaire on file within the Office of Legal Affairs, and forwards a copy to the Executive Commission on Ethical Standards and to the Division of Human Resources, where a copy of these documents will be placed in the employee's personnel file.

SUBJECT: SECONDARY EMPLOYMENT AND OUTSIDE ACTIVITIES

EFFECTIVE DATE: 05/11/06

8. All advisory opinions rendered by the Department's Ethics Liaison Officer are subject to review by the Executive Commission on Ethical Standards pursuant to N.J.S.A. 52:13D-12 et seq.

VIII. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal. A violation of this policy may also constitute violation of the Department's Code of Ethics and the State's ethical standards generally. The Department reserves the right to refer all such violations to the New Jersey Commission on Ethical Standards for investigation and appropriate action.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 2.46
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SUBJECT: GIFTS TO EMPLOYEES

EFFECTIVE DATE: 05/11/06

APPROVED BY: Ved P. Chaudhary, Assistant Commissioner for Management and Budget

I. PURPOSE

To state a policy and provide guidelines concerning receipt of gifts and other items of value to employees.

II. AUTHORITY

Department's Code of Ethics (<http://depnet/hr/ethcode.htm>)

III. SUPERSEDES

Policy and Procedure 2.46 dated 06/16/89

IV. DEFINITIONS

Employee – shall mean any individual hired to work for the Department whether in the Career, Unclassified or Senior Executive Service, on a full-time, part-time or intermittent basis.

Ethical Liaison Officer - shall mean the Department employee designated and appointed by the Commissioner of the Department to serve as the official liaison to the New Jersey Commission on Ethical Standards. All determinations made by the Office of Legal Affairs in the Department, which services as staff to the Ethics Liaison Officer, regarding conflicts of interest or other ethics-related matters are subject to review by the Ethics Liaison Officer.

Gift - shall mean any thing of value including, but not limited to, a tangible item or intangible item such as a reward, service, entertainment, hospitality, gratuity, favor, travel, loan or forbearance of a loan, opportunities and benefits, employment or offer of employment, favorable commercial rate.

IV. POLICY

This Policy and Procedure is intended to supplement and not replace the Code of Ethics of the Department. The purpose of this P&P is to establish those provisions of the Department's Code of Ethics pertaining to gifts as standards of employee conduct.

V. RESPONSIBILITIES

No DEP employee is to conduct himself or herself in communicating with a person, corporation or association in such a way as to hint or imply that a gift or other consideration of value to the employee is desired or would in any way curry favor with the employee in handling official State business.

All employees must immediately report any gift or other thing of value received from a person, corporation or association with whom they have had contact in their official capacity to the Ethical Liaison Officer.

SUBJECT: GIFTS TO EMPLOYEES

EFFECTIVE DATE: 05/11/06

GUIDELINES OR EXAMPLES OF GIFTS TO EMPLOYEES

While the following list of examples is not meant to be all inclusive, it should form some basis for reasonable comparisons to be made to other situations. If there is any doubt, employees are advised to refuse or remove themselves from the situation.

EXAMPLESExample 1

Employee is out to lunch or dinner with a contractor, consultant or any other private party which does or may do business with employee's agency. The employee should either pickup the check (assuming the employee has the authority or necessary approval), or pay for own meal. The best advice is, of course, to avoid these situations entirely.

Example 2

Employee is invited to a golf outing sponsored by a contractor, consultant or any other private party which does or may do business with employee's agency. Green fees, food and beverage will be paid for by the sponsor. Employee should politely decline the invitation.

Example 3

Employee is offered tickets to sporting or other entertainment events by a contractor, consultant or any other private party which does or may do business with employee's agency. Employee should politely decline the tickets. Payment by the employee for the ticket's face amount is also unacceptable.

Example 4

Employee is at a convention and stops at a vendor or other hospitality suite for a drink or hors d'oeuvres. Employee may accept hospitality as long as reception or suite is open to all conference attendees.

Example 5

Employee receives gift at Christmas/Hanukkah time of liquor, cheese, etc. from a contractor, consultant or any other private party which does or may do business with employee's agency. Employee should decline the gift in the most gracious way possible.

Example 6

Employee is a member of a professional organization to which he/she pays dues or his/her agency pays the dues on behalf of employee. Employee may attend functions run by the organization and any additional fees and charges should be paid by the employee or his/her agency. Employee should not attend functions if fees are paid by a contractor, consultant or any other private party which does or may do business with his/her agency.

Example 7

SUBJECT: GIFTS TO EMPLOYEES

EFFECTIVE DATE: 05/11/06

Employee is invited to a "ribbon cutting" or "groundbreaking" ceremony at which a vendor is providing refreshments. Employee may attend as long as he/she receives no special consideration.

VI. VIOLATIONS

Violation of this policy may result in the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal and may also constitute violations of the Department's Code of Ethics. The Department reserves the right to refer all such violations to the New Jersey Commission on Ethical Standards for investigation and appropriate action.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 2.48
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SUBJECT: POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

EFFECTIVE DATE: 10/26/07

APPROVED BY: Ved P. Chaudhary, Assistant Commissioner for Management and Budget

I. AUTHORITY

N.J.A.C. 4A:7-3.1
N.J.A.C. 4A:7-3.2

II. SUPERSEDES

Policy and Procedure 2.48 dated 07/15/05

III. POLICY

NEW JERSEY STATE POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

a. Protected Categories

The State of New Jersey is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated; race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States or disability.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the State of New Jersey strictly prohibits the conduct that is described in this policy. This is a zero tolerance policy. This means that the state and its agencies reserve the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

b. Applicability

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and applicants for employment in State departments, commissions, State colleges or universities, agencies and authorities (hereafter referred to in this section as "State agencies" or "State agency"). The State of New Jersey will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or persons doing business with the State. This policy also applies to both conduct that occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace (any field location, any off-site business-related social function, or any facility where State business is being conducted and discussed).

SUBJECT: POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE

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This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in III(a) above that is not directed at an individual but exists in the workplace and interferes with an individual's ability to do his or her job. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

IV. PROHIBITED CONDUCT**a. Defined**

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories referred to in III(a) above. This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in paragraph III(a) above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of behaviors that may constitute a violation of this policy include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of being in one or more of the protected categories referred to in III(a) above;
- Treating an individual differently because of the individual's race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious or other protected category;
- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious, or other protected category; or due to the individual's membership in or association with an organization identified with the interests of a certain racial, religious or other protected category; or because an individual's name, domestic partner's name, or spouse's name is associated with a certain racial, religious or other protected category;
- Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
- Using derogatory references with regard to any of the protected categories in any communication;
- Engaging in threatening, intimidating, or hostile acts towards another individual in the workplace because that individual belongs to, or is associated with, any of the above protected categories; or
- Displaying or distributing material (including electronic communications) in the workplace that contains derogatory or demeaning language or images pertaining to any of the above protected categories.

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b. Sexual Harassment

It is also a violation of this policy to engage in sexual (or gender based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body, or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mails, text messages, invitations, gestures or inappropriate comments about a person's clothing;
- Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

V. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment is encouraged to promptly report the incident(s) to a supervisor, or directly to the State agency's Equal Employment

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Opportunity/Affirmative Action Officer or to any other persons designated by the State agency to receive workplace discrimination complaints.

All employees are expected to cooperate with investigations undertaken pursuant to VII below. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

VI. SUPERVISOR RESPONSIBILITIES

Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/ harassment to the State agency's Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the State Agency to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. For purposes of this section and in the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures), a supervisor is defined broadly to include any manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader).

VII. DISSEMINATION

Each State agency shall annually distribute the policy described in this section, or a summarized notice of it, to all of its employees including part-time and seasonal employees. The policy, or summarized notice of it, shall also be posted in conspicuous locations throughout the buildings and grounds of each State agency (that is, on bulletin boards or on the State agency's Intranet site). The Department of the Treasury shall distribute the policy to State-wide vendors/contractors, whereas each State agency shall distribute the policy to vendors/contractors with whom the State agency has a direct relationship.

VIII. COMPLAINT PROCESS

Each State agency shall follow the Model Procedures with regard to reporting, investigating, and where appropriate, remediating claims of discrimination/harassment. See N.J.A.C. 4A:7-3.2. Each State agency is responsible for designating an individual or individuals to receive complaints of discrimination/harassment, investigating such complaints, and recommending appropriate remediation of such complaints. In addition to the Equal Employment Opportunity/Affirmative Action Officer, each State agency shall designate an alternate person to receive claims of discrimination/harassment.

All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner. The results of the investigation shall be forwarded to the respective State agency head to make a final decision as to whether a violation of the policy has been substantiated.

Where a violation of this policy is found to have occurred, the State agency shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The State agency shall also have the authority to take prompt and appropriate remedial action, such as moving two employees apart, before a final determination has been made regarding whether a violation of this policy has occurred.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action, up to and including termination of employment.

SUBJECT: POLICY PROHIBITING DISCRIMINATION IN THE WORKPLACE**EFFECTIVE DATE: 10/26/07**

Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate.

IX. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

Following are examples of prohibited actions taken against an employee because the employee has engaged in activity protected by this subsection:

- Termination of an employee;
- Failing to promote an employee;
- Altering an employee's work assignment for reasons other than legitimate business reasons;
- Imposing or threatening to impose disciplinary action on an employee for reasons other than legitimate business reasons; or
- Ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

X. FALSE ACCUSATIONS AND INFORMATION

An employee who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

XI. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

XII. ADMINISTRATIVE AND/OR DISCIPLINARY ACTION

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for

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training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

XIII. TRAINING

All State agencies shall provide all new employees with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee's appointment date. Refresher training shall be provided to all employees, including supervisors and managers, within a reasonable period of time. All State agencies shall also provide supervisors with training on a regular basis regarding their obligations and duties under the policy and regarding procedures set forth in this section.

XIV. PROCEDURES***NEW JERSEY STATE MODEL PROCEDURES FOR INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE***

Each State department, commission, State college or university, agency and authority (hereafter referred to in this section as "State agency") is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Department of Personnel, Division of EEO/AA.

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, *N.J.A.C. 4A:7-3.1*.
2. Complaints of prohibited discrimination/harassment can be reported to Pamela Lyons, Director, Office of Equal Opportunity and Public Contract Assistance (OEO/PCA), or to any supervisory employee of the Department of Environmental Protection.
3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State of New Jersey Policy Prohibiting Discrimination in the Workplace to Pamela Lyons, Director, OEO/PCA. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. An example of such a conflict would where the individual against whom the complaint is made is involved in the intake, investigative, or decision making process.
6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a New Jersey Department of Personnel Discrimination Complaint Processing Form (DPF-481 - <http://www.state.nj.us/personnel/forms/pdf/dpf-481.pdf>). An investigation may be conducted whether or not the form is completed.
7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and

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appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of Personnel, Division of EEO/AA, by the DEP Director, OEO/PCA, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed a complaint and, if applicable, the complaint notification letter sent to the person(s) against whom a complaint has been filed. If a written complaint has not been filed, the Director, OEO/PCA must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court must also be submitted to the Division of EEO/AA.

8. During the initial intake of a complaint, the Director, OEO/PCA, or authorized designee, will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.
9. At the Director, OEO/PCA's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.
10. An investigatory report will be prepared by the Director, OEO/PCA, or her designee when the investigation is completed. The report will include, at a minimum:
 - a. A summary of the complaint;
 - b. A summary of the parties' positions
 - c. A summary of the facts developed through the investigation; and
 - d. An analysis of the allegations and the facts.

The investigatory report will be submitted to the Assistant Commissioner, Management and Budget, who will issue a final letter of determination to the parties.

11. The Assistant Commissioner, Management and Budget will review the investigatory report issued by the Director, OEO/PCA, and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the Assistant Commissioner, Management and Budget will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The Assistant Commissioner, Management and Budget will issue a final letter of determination to both the complainant(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Merit System Board as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA, Department of Personnel shall be furnished with a copy of the final letter of determination.
 - a. The letter shall include, at a minimum:
 1. A brief summary of the parties' positions;
 2. A brief summary of the facts developed during the investigation; and
 3. An explanation of the determination, which shall include whether:

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- i. The allegations were either substantiated or not substantiated; and
 - ii. A violation of the State's Policy Prohibiting Discrimination in the Workplace did or did not occur.
 - b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in paragraph 8, above, is completed.
 - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State Agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.
13. A Complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the Department, may submit a written appeal, within 20 days of the receipt of the final letter of determination from the Assistant Commissioner of Management and Budget, to the Merit System Board, P.O. Box 312, Trenton, NJ 08625. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal and the specific relief requested.
- a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Commissioner deems appropriate. See N.J.A.C. 4A:2-1.7.
 - b. The Merit System Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).
 - c. The appellant shall have the burden of proof in all discrimination appeals brought before the Merit System Board.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed may appeal the determination to the Merit System Board at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination from the Assistant Commissioner, Management and Budget.
- a. The burden of proof shall be on the appellant.
 - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
 - c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.
15. The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the Merit System Board of decisions on discrimination

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complaints, regardless of whether or not the complaint was initially filed directly with the Director of EEO/AA.

16. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Complaint may be filed with the following external agencies:

**Division on Civil Rights
N. J. Department of Law & Public Safety
(within 180 days for violation of discriminatory act)**

Trenton Regional Office
140 East Front Street
6th Floor, P.O. Box 090
Trenton NJ 08625-0090
Tel: (609) 292-4605

Newark Regional Office
31 Clinton Street, 3rd floor
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

Atlantic City Office
26 Pennsylvania Ave.
3rd Floor
Atlantic City, NJ 08401
(609) 441-3100

Camden Regional Office
One Port Center, 4th Floor
2 Riverside Drive, Suite 402
Camden, NJ 08103
(856) 614-2550

Paterson Regional Office
100 Hamilton Plaza, Suite 800
Paterson, NJ 07505-2109
(973) 977-4500

**United States Equal Employment Opportunity Commission (EEOC)
(within 300 days of the discriminatory act)
National Call Center – 1 800-669-4000**

*Newark District Office
One Newark Center, 21st Floor

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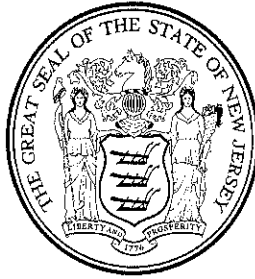
EFFECTIVE DATE: 10/26/07

Raymond Blvd At McCarter Highway (Rt. 21)
Newark, NJ 07102-5233
(973) 645-6383

****Philadelphia District Office**
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2600

*Newark Area Office has jurisdiction over the State of New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

****The Philadelphia District Office has jurisdiction over the State of New Jersey Counties of Atlantic, Burlington, Cape May, Cumberland, Gloucester, Ocean and Salem**



**New Jersey State Policy Prohibiting Discrimination in the Workplace
and
Model Procedures for Internal Complaints Alleging Discrimination in the Workplace**

Acknowledgement of Receipt

The State of New Jersey is committed to providing every employee with a workplace free from prohibited discrimination.

Every employee is required to read and become familiar with the *New Jersey State Policy Prohibiting Discrimination in the Workplace* (State Policy) and the *Model Procedures for Internal Complaints Alleging Discrimination in the Workplace* (Model Procedures).

Any questions you may have about the *State Policy* or *Model Procedures* should be directed to the Office of Equal Opportunity and Public Contract Assistance at 609-984-9742.

Please sign this Acknowledgement of Receipt form to confirm receipt of the updated State Policy and Model Procedures. Failure to sign this form does not relieve an employee of the responsibility to understand and adhere to the provisions of the *State Policy* and *Model Procedures*.

A copy of the signed form will be placed in your personnel file.

Employee's Name (Please Print)

Employee's Signature

Date

DEPARTMENT OF ENVIRONMENTAL PROTECTION

POLICY AND PROCEDURE

No. 6.06
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SUBJECT: ACCEPTABLE USE INTERNET POLICY

EFFECTIVE DATE: September 30, 2004

APPROVED BY: Irene S. Kropp, Assistant Commissioner for Management and Budget

I. PURPOSE

This Internet usage policy is designed to help employees understand management's expectations for employees' use of the Internet and to help employees use the Department's resources wisely.

While a direct connection to the Internet offers a wide array of potential benefits to the Department, it can also open the door to some significant risks to its data and systems if appropriate security measures are not employed.

Excessive unnecessary Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the Department and expose the agency and/or the individual user to significant legal liabilities.

Internet access is conditioned upon an employee receiving and reading the Acceptable Use Policy and signing the Acceptable Use Internet Policy Acknowledgment statement.

For information on related policies please see:

P&P 6.01 Use of Electronic Mail Systems
P&P 6.02 Use of Word Processing Systems

For updates on technical information go to <http://depnet> or <http://depnet.dep.state.nj.us>

II. AUTHORITY

N.J.S.A. 13:1B-3
N.J.S.A. 13:1D-2
CL-97-03-OTS *Guidelines for Acceptable Internet Access and Use for New Jersey Government*

III. SUPERSEDES

Policy and Procedure 6.06 dated 2/8/2000

IV. DEFINITIONS

Director/Administrator - shall mean the manager responsible for a significant organizational entity reporting to the Commissioner, Deputy Commissioner or an Assistant Commissioner.

Employee -- shall mean any intern, full-time or part-time employee in the Career, Senior Executive or Unclassified Service who is on the direct payroll of the Department or on loan to the Department from another organization. For purposes of this policy, the term "employee" shall also include those hired through temporary services, contractors and consultants performing work on behalf of the Department with Department provided equipment.

SUBJECT: ACCEPTABLE USE INTERNET POLICY

EFFECTIVE DATE: September 30, 2004

Internet Monitoring Software – shall mean the software used by the Department to restrict, monitor and report on the internet activity for employees. This software allows the ability to record the amount of time a user spends on the internet as well as sites visited.

Internet Access – shall include all available routes to the Internet including direct Internet Provider access, Modem/ISP, individual accounts and wireless access.

Supervisor – shall mean the person responsible for completing an employee's performance review (PAR/PES) and for approving timesheets.

V. RESPONSIBILITIES

Employees – shall be responsible for abiding by the Department's policy regarding use of computers and access to the Internet. Employees are responsible for maintaining the secrecy of their network login passwords and are responsible for any network or Internet activity performed under their account login ID.

Supervisors – shall be responsible for being generally aware of how their employees use the Internet in carrying out their day to day responsibilities and for requesting disciplinary action for abuse of this policy. Supervisors are responsible for maintaining the confidentiality of information associated with any Internet investigation undertaken by the Department. Failure to do so shall result in disciplinary action.

Division of Human Resources – shall be responsible for ensuring that all employees are aware of the Department and State guidelines on the use of the Internet and that all new employees have received and read a copy of this policy and completed the Acceptable Use Internet Policy Acknowledgement as required.

Office of Information Resources Management (OIRM) – shall be responsible for the installation of the necessary systems to monitor the use of the Internet by department employees, to block sites, to restrict Internet access by users and to produce reports of Internet usage at the request of management. Working in conjunction with Human Resources and the Office of Labor Relations, OIRM will also cooperate with the NJ State Police on any violation of this policy which may lead to criminal charges. OIRM staff involved in Internet abuse investigations shall keep all information related to the investigation confidential. Failure to do so shall result in disciplinary action.

VI. POLICY

A. General

1. Employee access to the Internet is to be used as a tool for meeting the business needs of the Department. Internet access is considered State property and the Department has the right to monitor the use of such property at any time. **Therefore, no employee should have any expectation of privacy as to his or her Internet usage via state computers and networks.** Employees may not use Internet access for purchasing non-work related materials, selling, trading, conducting business or for secondary employment purposes or any other activity that is in conflict with state policies or state business. Employees are specifically prohibited from accessing any gambling, adult-oriented, sexually explicit, hate, racial or otherwise offensive sites. Employees are also prohibited from engaging in any fund raising activity, endorsing any product or services, participating in any lobbying activity, or engaging in any political activity via Department supplied Internet access. This policy applies to before, during and after work hours as well as during lunch hour and other break periods.
2. The Department has the right to inspect any and all files stored in secured areas of its network or on desktop PCs or on any other storage medium (e.g., floppy disks, tapes and RW-CDs) in order to assure compliance with this policy.

SUBJECT: ACCEPTABLE USE INTERNET POLICY

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3. No employee may access, download, store, transmit or display any kind of image or document on any departmental system that is non-work related and that violates departmental and/or state policies on workplace violence, sexual harassment or hostile work environment.
4. If an employee accidentally connects to a site that contains sexually explicit or otherwise offensive material, he/she must disconnect from that site immediately.
5. No employee may download or distribute pirated software or data.
6. Employees may only download software with direct business use, and must take necessary action to have such software properly licensed and registered as required, and such software may only be installed after receiving approval from OIRM. Downloaded software must be used only under the terms of its license.
7. Employees may not download entertainment software or games, or play games over the Internet.
8. Employees may not download music, images or videos unless there is a direct business-related use for such material.
9. The Department has the right to inspect any and all equipment purchased for the purpose of conducting state business. Laptops, PDA's and any other external devices are subject to the guidelines set forth in this policy. Laptops or other devices assigned to field personnel or employees for external use are subject to random inspection for policy compliance.

B. Acceptable Use

Use of the Internet is allowed under this policy for work-related tasks and/or educational or professional development with the approval of the employee's supervisor. Strictly limited/occasional personal use of the internet is allowed under this policy provided:

- such use is not deemed by management to be excessive in terms of employees' time and department resources;
- such use does not violate the basic rules of this or any other Departmental policies;
- such use does not impact the employee's ability to meet responsibilities associated with their PAR/PES and/or their designated work hours; and
- such use is not coded on official time sheets as work related activity.

VII. VIOLATIONS

All individuals accessing the Internet through State equipment can be held accountable for any breaches of policy, security or confidentiality resulting from their use of the Internet. Such violations of this Policy may result in disciplinary action up to and including removal.

Violation of this policy may result in, but is not limited to, documentation in the PAR/PES and the initiation of formal disciplinary action. The Department is not limited in its discretion to determine penalties up to and including removal. Any violation of this policy in relationship to sexually explicit material, adult sites, sites that promote violence or threats to homeland security or any other sites that are deemed inappropriate by the department may result in major disciplinary action, up to and including removal.

In addition to discipline initiated by the department, violations deemed by the NJ State Police as criminal, such as child pornography, are subject to criminal prosecution.

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INTERNET USE POLICY ACKNOWLEDGMENT

I acknowledge that I have received and have read a written copy of the Department of Environmental Protection's Internet Use Policy (P&P 6.06). I understand the terms of this policy and agree to abide by them. I realize that the Department's security software may record and store for management review the Internet address of any site that I visit, and any network activity in which I transmit or receive any kind of file. I understand that any violation of this policy may lead to disciplinary action or even criminal prosecution.

Signature

Date

Name (Printed)

Program Area

Employee Name: _____

SEASONAL TRAINING CHECKLIST

Description	Date	Trainer Initials	Employee Initials
Employee Orientation:			
Area History/Physical Features			
Employee Manual			
Area Brochure			
Tour of Area			
Historic Site(s)/Interpretive Center(s)			
Area Employees			
Regional Employees			
Friends Groups/Volunteers			
Concession(s)			
Names, Titles and Telephone Numbers of Appropriate Trenton Staff			
Right-To-Know			
Rules and Regulations:			
Overview			
Procedures:			
Daily Operations			
Office Procedures			
Reservations, Permits, Fee Schedules			
Senior Citizen Pass, Park Pass			
Pick Up/Distribution of Mail			
Visitor Contact Station			
Use of Keys and Return Policy			
Free Admission into Area			
Closing Area (Overcrowding)			
Drownings			
Accidents (Personal or Visitor)/Emergency			
Rabid Animals			
State Vehicles			
Rentals			
Other:			

Description	Date	Trainer Initials	Employee Initials
How to Operate:			
Tools and/or Equipment			
Cash Register (and Change Tape)			
Credit Card Machine			
Calculator			
Telephone (and Take Messages)			
Copy Machine			
Fax Machine			
Computer Programs			
Radio Communications Equipment			
How To:			
Deal Effectively with the Public			
Deal Effectively with Co-Workers			
Handle Problem Situations			
Handle Money			
Make Bank Deposits			
Secure Buildings			
Employee Instructions/Information:			
Absence			
Tardiness			
Lunch Break			
Break Periods			
Overtime			
Timesheets			
Distribution of Paychecks			
Personal Appearance			
Parking			
First Aid			
Other:			

Uniforms

1. Operations Staff (all titles except Maintenance and Lifeguards)

<u>Item</u>	<u>Color</u>	<u>Suggested Number For Cleanliness</u>
Collared Shirts*	White	2 each
Pants ***	Khaki or Spruce Green	2 each
Shorts ****	Khaki or Spruce Green	2 each
Windbreaker*****	Spruce Green	1 each
Baseball Cap*****	Green w/SPS Logo	1 each
Belt	Black/Brown	1 each
Socks	Black (plain)/White (plain)	5 pairs
Shoes, Boots (plain toe, no buckles or adornments)	Black/Brown (Black Socks)	1 pair
Sneakers	(White Socks)	1 pair
<u>OPTIONS:</u> Employees performing operations, interpretive and/or office worker duties may wear the following: Shirt/Blouse - White, plain style; Slacks/Skirt - Khaki or Spruce Green, plain style.		

2. Maintenance Staff

<u>Item</u>	<u>Color</u>	<u>Suggested Number For Cleanliness</u>
Short Sleeve Shirt**	Spruce Green (Maintenance)	2 each
Pants ***	Spruce Green	2 each
Shorts****	Spruce Green	2 each
Windbreaker*****	Spruce Green	1 each
Baseball Cap*****	Green w/SPS Logo	1 each
Belt	Black/Brown	1 each
Socks	Black (plain)/White (plain)	5 pairs
Shoes, Boots	Black/Brown (Black Socks)	1 pair
Sneakers	(White Socks)	1 pair
Polarized Sunglasses*****	N/A	1 pair

* At the discretion of the Superintendent, long sleeve shirts may be substituted due to fire control assignments, exceptional insect problems or sun protection.

** Green t-shirts (2 each) with the Division logo will be issued to seasonal maintenance personnel.

*** To ensure uniformity in color, the following spruce green pants are recommended: Wearguard Heavy Duty Plain Front Work Pants, Dura-Kap Industrial Pants or Dickies Industrial Pants Easy Care.

**** At the discretion of the Superintendent, regular hemmed shorts no higher than 6" above the knees, may be worn between May 1st and September 30th.

***** Optional green baseball caps and green windbreaker jackets with the State Park Service logo and polarized sunglasses are available for purchase from the area office.

NOTE: Operations and Maintenance staff may only wear State Park Service hats while on duty.

Uniforms continued

3. Lifeguard Staff

<u>Item</u>	<u>Color</u>	<u>Suggested Number For Season</u>
Swimsuit*	Red	2 each
T-Shirt**	White	3 each
Sweatsuit***	Grey	1 each
Baseball Cap****	White	1 each
Canvas Hat***	Natural	1 each
Jacket***	Red	1 each
Polarized Sunglasses*****	N/A	1 each

* Two swimsuits are issued by the State Park Service. Female Lifeguards will also be issued one each swimsuit shorts.

** Three shirts are issued by the State Park Service. Lifeguards may select any combination of long or short sleeve t-shirts.

*** Sweatsuits, canvas hats and jackets are available for purchase from the area office.

**** One baseball cap is issued by the State Park Service.

***** One pair of polarized sunglasses is issued by the State Park Service.

New Jersey Department of Environmental Protection
Division of Parks & Forestry
State Park Service
Mail Code 501-04
PO Box 420
Trenton, NJ 08625-0420